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NEW DELHI, JULY 20—JULY 26, 2003 SATURDAY/ASADHA 29—SRAVANA 4, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 9 जुलाई, 2003

का०आ० 2032.—केन्द्रीय सरकार, सीमा सुरक्षा बल अधिनियम, 1968 (1968 का 47) की धारा 141 की उपधारा (1) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सीमा सुरक्षा बल नियम, 1969 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम सीमा सुरक्षा बल (संशोधन) नियम, 2003 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. सीमा सुरक्षा बल नियम, 1969 के नियम 99 में, उपनियम (1) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात् :—

“(1) ऐसे प्रत्येक आरोप के निष्कर्ष जिन पर अभियुक्त को दोषारोपण किया जाता है, अभिलिखित किए जाएंगे, और इन नियमों में यथा उपबन्धित के सिवाय, निष्कर्ष के रूप में ‘दोषी’ या ‘दोषी नहीं’ अभिलिखित किया जाएगा। प्रत्येक आरोप पर निष्कर्ष अभिलिखित करने के पश्चात् न्यायालय उसके समर्थन में संक्षिप्त कारण देगा। विधि अधिकारी, या यदि कोई विधि अधिकारी नहीं है तो, पीठासीन अधिकारी कार्यवाहियों में ऐसे संक्षिप्त कारणों को अभिलिखित करेगा या अभिलिखित कराएगा। उपर्युक्त अभिलेख पर पीठासीन अधिकारी और विधि अधिकारी, यदि कोई हो, द्वारा तारीख सहित हस्ताक्षर किए जाएंगे।”

[फा. सं. 1/13/87-सीएलओ/सीसुबल]

डी. एस. मिश्र, निदेशक (पर्स)

पाद टिप्पणी—मूल नियम का०आ० 2336 दिनांक 9 जून, 1969 के तहत प्रकाशित किया गया था तथा बाद में उसमें निम्नलिखित संशोधन किए गए :—

- (i) का०आ० 1362 दिनांक 07 अप्रैल, 1970
- (ii) का०आ० 4034 दिनांक 21 अक्टूबर, 1971

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| (iii) का०आ० 5087 दिनांक 06 नवम्बर, 1971 | (ix) का०आ० 1040 दिनांक 25 मार्च, 1996 |
| (iv) का०आ० 329 (अ) दिनांक 29 अप्रैल, 1981 | (x) का०आ० 1686 दिनांक 31 मई, 1996 |
| (v) का०आ० 155 दिनांक 01 मार्च, 1983 | (xi) का०आ० 166 दिनांक 14 जनवरी, 1998 |
| (vi) का०आ० 187 (अ) दिनांक 23 मार्च, 1984 | (xii) का०आ० 55 (अ) दिनांक 01 फरवरी, 1999 |
| (vii) का०आ० 436 (अ) दिनांक 29 मई, 1990 | (xiii) का०आ० 544 दिनांक 15 फरवरी, 2002 |
| (viii) का०आ० 188 (अ) दिनांक 13 मार्च, 1993 | (xiv) का०आ० 1644 दिनांक 8 मई, 2002 |

MINISTRY OF HOME AFFAIRS

New Delhi, the 9th July, 2003

S.O. 2032.—In exercise of the powers conferred by Sub-sections (1) and (2) of Section 141 of the Border Security Force Act, 1968 (47 of 1968), the Central Government hereby makes the following rules further to amend the Border Security Force Rules, 1969, namely :—

1. (1) These rules may be called the Border Security Force (Amendment) Rules, 2003.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In rule 99 of the Border Security Force Rules, 1969, for sub-rule (1), the following sub-rule shall be substituted, namely :—

“(1) The finding on every charge upon which the accused is arraigned shall be recorded and, except as provided in these rules, shall be recorded as finding of ‘Guilty’ or of ‘Not Guilty’. After recording the finding on each charge, the Court shall give brief reasons in support thereof. The Law Officer or, if there is none, the Presiding Officer shall record or cause to be recorded such brief reasons in the proceedings. The above record shall be signed and dated by the Presiding Officer and the Law Officer, if any.”

[F. No. 1/13/87-CLO/BSF]

D. S. MISHRA, Director (Pers.)

Foot Note :— The principal rules were published in Gazette of India vide S.O. 2336 dated 9 June, 1969 and subsequently amended by :—

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|--------------------------------------|--|
| (i) S.O. 1362 dated 07 April, 1970 | (viii) S.O. 188(E) dated 13 Mar., 1993 |
| (ii) S.O. 4034 dated 21 Oct., 1971 | (ix) S.O. 1040 dated 25 Mar., 1996 |
| (iii) S.O. 5087 dated 06 Nov., 1971 | (x) S.O. 1686 dated 31 May, 1996 |
| (iv) S.O. 329(E) dated 29 Apr., 1981 | (xi) S.O. 166 dated 14 Jan., 1998 |
| (v) S.O. 155 dated 01 Mar., 1983 | (xii) S.O. 55(E) dated 01 Feb., 1999 |
| (vi) S.O. 187(E) dated 23 Mar., 1984 | (xiii) S.O. 544 dated 15 Feb., 2002 |
| (vii) S.O. 436(E) dated 29 May, 1990 | (xiv) S.O. 1644 dated 08 May, 2002 |

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 27 जून, 2003

(आयकर)

का० आ० 2033.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार अद्योलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (III) के प्रयोजनार्थ “संस्था” श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगा;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग ‘टेक्नोलाजी भवन’ न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगा;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोददिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संस्था पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडलटन रोड, पांचवा तल, कोलकाता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगा।

क्रम.सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	सेन्टर फार साईंस एण्ड इनवायरनमेंट 41, तुगलकाबाद इन्टीट्यूशनल एरिया, नई दिल्ली-110062	14-1-2000 से 31-3-2002

टिप्पणी :—अधिसूचित संस्था को सलाह दी जाती है कि वे अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 159/2003/फा.सं. 203/41/2002-आयकर नि.-II]

ए. के. पाण्डेय, उप-सचिव (आयकर नि.-II)

MINISTRY OF FINANCE
(Department of Revenue)
CENTRAL BOARD OF DIRECT TAXES
New Delhi, the 27th June, 2003
(INCOME-TAX)

S.O. 2033.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned against the name, for the purpose of clause (iii) of Sub-section (i) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category “Institution” subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mchrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Kolkata-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	Centre for Science & Environment, 41, Tuglakabad Institutional Area, New Delhi-110062	14-1-2000 to 31-3-2002

Notes :— The notified Institution is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 159/2003/F. No. 203/41/2002/ITA-II]

A. K. PANDEY, Dy. Secy. (ITA-II)

नई दिल्ली, 4 जुलाई, 2003

(आयकर)

का०आ० 2034.— सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के समने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) के प्रयोजनार्थ “संस्था” श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग ‘टेक्नोलॉजी भवन’, न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी ;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोददिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडलटन रोड, पांचवा तल, कोलकाता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष ... अक्तूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम.सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	द इन्स्टीच्यूट ऑफ चार्टर्ड एकाउटेंट्स ऑफ इण्डिया, पी बी नं. 7100, इन्ह्रप्रस्थ मार्ग, नई दिल्ली-110002	1-4-2000 से 31-3-2003

टिप्पणी :— अधिसूचित संस्था को सलाह दी जाती है कि वे अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 166/2003/फा. सं. 203/75/2002-आयकर नि. II]

ए. डॉ. पाण्डेय, उप-सचिव (आयकर नि.-II)

New Delhi, the 4th July, 2003

(INCOME-TAX)

S.O. 2034.— It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned below, for the purpose of clause (iii) of Sub-Section (1) of section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category “Association” subject to the following conditions :—

- (i) The notified Association shall maintain separate books of accounts for its research activities;
- (ii) The notified Association shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified association shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Kolkata-700071, (b) the Secretary, Department of

Scientific and Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	The Institute of Chartered Accountants of India, P.B. No. 7100, Indraprastha Marg, New Delhi-110002	1-4-2000 to 31-3-2003

Notes :— The notified Association is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 166/2003/F. No. 203/75/2002/ITA-II]

A. K. PANDEY, Dy. Secy. (ITA-II)

नई दिल्ली, 7 जुलाई, 2003

का०आ० 2035.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन प्रवर्तन निदेशालय के निम्नलिखित क्षेत्रीय कार्यालयों को जिनके 80% कर्मचारी बृहद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

1. प्रवर्तन निदेशालय, क्षेत्रीय कार्यालय, मुंबई।
2. प्रवर्तन निदेशालय, क्षेत्रीय कार्यालय, अहमदाबाद।
3. प्रवर्तन निदेशालय, क्षेत्रीय कार्यालय, जालंधर।
4. प्रवर्तन निदेशालय, क्षेत्रीय कार्यालय, श्रीनगर।
5. प्रवर्तन निदेशालय, क्षेत्रीय कार्यालय, बंगलौर।

[फा. सं. ई-11017/9/2001-हिन्दी-4]

राकेश सिंह, संयुक्त सचिव (राजस्व)

New Delhi, the 7th July, 2003

S.O. 2035.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following regional offices under the Directorate of Enforcement of Department of Revenue, the Staff 80% where of have acquired the working knowledge of Hindi :

1. Directorate of Enforcement Regional Office, Mumbai.
2. Directorate of Enforcement Regional Office, Ahmedabad.
3. Directorate of Enforcement Regional Office, Jalandhar.
4. Directorate of Enforcement Regional Office, Srinagar.
5. Directorate of Enforcement Regional Office, Bangalore.

[F. No. E-11017/9/2001-Hindi -IV]

RAKESH SINGH, Jt. Secy. (Revenue)

आदेश

नई दिल्ली, 8 जुलाई, 2003

स्टाम्प

का.आ. 2036.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा आवास एवं शहरी विकास निगम लिमिटेड, नई दिल्ली को मात्र अद्वावन लाख चास हजार रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त निगम द्वारा जारी किये जाने वाले निम्न रूप में वर्णित बन्धपत्रों पर स्टाम्प शुल्क के कारण प्रभार्य है :—

- (i) मात्र तीस करोड़ रुपये के समग्र मूल्य के 1 से 300 तक की विशिष्ट संख्या वाले हुड़को बंधपत्र शृंखला-XXX;
- (ii) मात्र बारह करोड़ पचास लाख रुपये के समग्र मूल्य के 1 से 125 तक की विशिष्ट संख्या वाले गुजरात पुनर्निर्माण विशेष कर मुक्त हुड़को बंध पत्र शृंखला-III के एवं ख;

- (iii) मात्र इकहतर करोड़ रुपये के समग्र मूल्य के 1 से 710 तक की विशिष्ट संख्या वाले गुजरात पुनर्निर्माण विशेष कर मुक्त हुड़को बंध पत्र शृंखला-IV के एवं ख; और
- (iv) मात्र छ: करोड़ पचास लाख रुपये के समग्र मूल्य के 1 से 65 तक की विशिष्ट संख्या वाले हुड़को बंध पत्र शृंखला-XXXII के एवं ख।

[सं. 30/2003/स्टाम्प फा. सं. 33/31/2003-बि. क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 8th July, 2003

STAMPS

S.O. 2036.—In exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Housing & Urban Development Corporation Limited, New Delhi to pay consolidated stamp duty of rupees fifty eight lakh fifty thousand only chargeable on account of the stamp duty on bonds described as :—

- (i) HUDCO Bonds Series-XXX bearing distinctive numbers from 1 to 300 aggregating to rupees thirty crore only;
- (ii) Gujarat Punarnirman Special Tax Free HUDCO Bonds Series III-A and B bearing distinctive numbers from 1 to 125 aggregating to rupees twelve crore fifty lakh only;
- (iii) Gujarat Punarnirman Special Tax Free HUDCO Bonds Series IV-A and B bearing distinctive numbers from 1 to 710 aggregating to rupees seventy one crore only; and
- (iv) HUDCO Bonds Series-XXXII-A and B bearing distinctive numbers from 1 to 65 aggregating to rupees six crore fifty lakh only;

to be issued by the said Corporation.

[No. 30/2003-STAMP/F. No. 33/31/2003-ST]

R. G. CHHABRA, Under Secy.

नई दिल्ली, 14 जुलाई, 2003

का.आ. 2037.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2डॉ के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिए नीचे पैरा (3) में उल्लिखित उद्यम को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

- (i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली 1962 के नियम 2डॉ के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के उपबधों के अनुरूप होगा और उनका अनुपालन करेगा,
- (ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम:-
 - (क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है, और
 - (ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2डॉ के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है, अथवा
 - (ग) आयकर नियमावली, 1962 के नियम 2डॉ के उप-नियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम/औद्योगिक उपक्रम हैं :—

मैसर्स एल एन इंडिया टॉल ब्रिज लिमिटेड, मार्डन पूना मल्ली रोड, मनापक्कम, पोस्ट बाक्स सं. 979, चेन्नई-600089 को निर्माण, रख-रखाव और हस्तांतरण स्कीम के अन्तर्गत एन एच-8 के अहमदाबाद, बडोदरा सेवशन में बटरक नदी पर दो सड़कों वाले पुल के निर्माण की परियोजना के लिए (फा. सं. 205/17/3/99-आयकर नि.-II)

[अधिसूचना सं. 170/2003/फा. सं. 205/17/3/99 आयकर नि.-II-खंड-I]

ए. के. पाण्डेय, उप-सचिव (आयकर नि.-II)

New Delhi, the 14th July, 2003

S.O. 2037.—It is notified for general information that enterprise/industrial undertaking, listed at para (3) below has been approved by the Central Government for the purpose of Section 10(23G) of the Income-tax Act, 1961 read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of Section 10(23G) of the Income-tax Act, 1961 read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
 - (a) ceases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of Rule 2E of the Income-tax Rules, 1962.

3. The enterprise/industrial undertaking approved is—

M/s. L&T Western India Toll Bridge Limited, Mount Poonamallee Road, Manapakkam, Post Box No. 979, Chennai-600 089 for their project of construction of a two lane bridge across river Wotrak in Ahmedabad Vadodara Section No. NH-8 under Build, Operate and Transfer scheme (F. No. 205/173/99/ITA-II-Vol. I).

[Notification No. 170/2003/F. No. 205/173/99/ITA.II/Vol.I]

A. K. PANDEY, Dy. Secy. (ITA.II)

नई दिल्ली, 14 जुलाई, 2003

का० आ० 2038.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2ड. के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2003-2004, 2004-2005 और 2005-2006 के लिए नीचे पैरा (3) में उल्लिखित उद्यम को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

- (i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली 1962 के नियम 2ड. के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा,
- (ii) केन्द्र सरकार यह अनुमोदन वापस ले लेगी यदि उद्यम/औद्योगिक उपक्रम :—
 - (क) अवसरंत्वनात्मक सुविधा को जारी रखना बंद कर देता है, और
 - (ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2ड. के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं करता है, अथवा
 - (ग) आयकर नियमावली, 1962 के नियम 2ड. के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम/औद्योगिक उपक्रम हैं :—

मैसर्स बंगलौर इंटरनेशनल एयर पोर्ट लिमिटेड, (बी आई ए एल), एम एस आई एल हाउस, 36, चुन्नीघम रोड, बंगलौर-560052 कर्नाटक राज्य में बंगलौर के समीप देवनहल्ली पर अन्तर्राष्ट्रीय विमान पत्तन के विकास की उनकी परियोजना के लिए (फा० सं० 205/59/2002-आयकर नि०-II)

[अधिसूचना सं० 171/2003/फा० सं० 205/59/2002 आयकर नि०-II]

ए० के० पाण्डेय, उप-सचिव (आयकर नि०-II),

New Delhi, the 14th July, 2003

S.O. 2038.—It is notified for general information that enterprise/industrial undertaking listed at para (3) below has been approved by the Central Government for the purpose of Section 10(23G) of the Income-tax Act, 1961 read with Rule 2E of the Income-tax Rules, 1962, for the assessment years 2003-2004, 2004-2005, and 2005-2006.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of Section 10(23G) of the Income-tax Act, 1961 read with rule 2E of the Income-tax Rules, 1962;

- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
- ceases to carry on infrastructure facility; or
 - fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - fails to furnish the audit report as required by sub-rule (7) of rule 2E of Income-tax Rules, 1962.

3. The enterprise/industrial undertaking approved is—

M/s. Bangalore International Airport Limited (BIAL), MSIL House, 36, Cunningham Road, Bangalore-560052 for their project of developing an international airport at Devanahalli, Near Bangalore in the State of Karnataka. (F. No. 205/59/2002/ITA-II).

[Notification No. 171/2003/F. No. 205/59/2002/ITA-II]

A. K. PANDEY, Dy. Secy.(ITA-II)

नई दिल्ली, 14 जुलाई, 2003

का०आ० 2039.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2ड. के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिए नीचे पैरा (3) में उल्लिखित उद्यम को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

- उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2ड. के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के उपबधों के अनुरूप होगा और उनका अनुपालन करेगा,
- केन्द्र सरकार यह अनुमोदन वापस ले लेगी यदि उद्यम/औद्योगिक उपक्रम :—
 - अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है, और
 - खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2ड. के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं करता है, अथवा
 - आयकर नियमावली, 1962 के नियम 2ड. के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम/औद्योगिक उपक्रम हैं :—

मैसर्स नोएडा टॉल ब्रिज कम्पनी लिमिटेड, सैक्टर 15-ए, नोएडा, ए पी जे स्कूल के समीप, नोएडा-उत्तर प्रदेश-201301 एवं मार्फत आई एल एण्ड एफ एस, इंडिया हैबिटेट सैन्टर, कोर IV बी, चौथा तल, लोदी रोड, नई दिल्ली को उनकी मंहारानी बाग को नोएडा के सैक्टर 15ए-16ए के साथ जोड़ने के द्वारा दिल्ली नोएडा पुल परियोजना के लिए। (फा० सं० 205/23/98-आयकर नि०-II) खंड-I

[अधिसूचना सं० 172/2003/फा० सं० 205/23/98-आयकर नि०-II/खंड-I]

ए० के० पाण्डेय, उप-सचिव (आयकर नि०-II)

New Delhi, the 14th July, 2003

S.O. 2039.—It is notified for general information that enterprise/industrial undertaking listed at para (3) below has been approved by the Central Government for the purpose of Section 10(23G) of the Income-tax Act, 1961 read with Rule 2E of the Income-tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that—

- the enterprise/industrial undertaking will conform to and comply with the provisions of Section 10(23G) of the Income-tax Act, 1961 read with rule 2E of the Income-tax Rules, 1962;

- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking:—
- ceases to carry on infrastructure facility; or
 - fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - fails to furnish the audit report as required by sub-rule (7) of rule 2E of Income-tax Rules, 1962.
3. The enterprise/industrial undertaking approved is—

M/s Noida Toll Bridge Company Limited, Sector 15-A, Noida, Near APEEJAY School, Noida UP-201301 and C/o IL&FS, India Habitat Centre, Core IV B, Fourth Floor, Lodi Road, New Delhi for their project Delhi-Noida Bridge by linking Maharani Bagh with Sector 15A-16A of Noida area. (F No. 205/23/98/ITA-II) Vol. I.

[Notification No. 172/2003/F. No. 205/23/98/ITA-II/Vol.I]

A. K. PANDEY, Dy. Secy. (ITA-II)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 14 जुलाई, 2003

का०आ० 2040.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2004 तक दि असम को-आपरेटिव अपेक्ष बैंक लिं, गुवाहाटी पर लागू नहीं होंगे।

[फा० सं० 1(11)/2000-ए०सी०]

मंगल मरांडी, अवर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 14th July, 2003

S.O. 2040.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of Sub-section (1) of Section 11 of the said Act shall not apply to The Assam Co-operative Apex Bank Ltd. Guwahati, from the date of publication of this notification in the Official Gazette till 31st March 2004.

[F. No. 1(11)/2000-AC]

MANGAL MARNDI, Under Secy.

(बीमा प्रभाग)

नई दिल्ली, 10 जुलाई, 2003

का०आ० 2041.—केन्द्रीय सरकार, बीमा विनियामक एवं विकास प्राधिकरण अधिनियम, 1999 (1999 का 41) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री विवेक महरोत्रा, संयुक्त सचिव, आर्थिक कार्य विभाग, वित्त मंत्रालय को बीमा विनियामक एवं विकास प्राधिकरण में तत्काल प्रभाव से एतद्वारा अंशकालिक सदस्य के रूप में अगले आदेश तक नियुक्त करती है।

[फा० सं० 11(6)/2003-बीमा-IV]

आर० रंगनाथ, निदेशक

(INSURANCE DIVISION)

New Delhi, the 10th July, 2003

S.O. 2041.—In exercise of the powers conferred by Section 4 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), the Central Government hereby appoints Shri Vivek Mehrotra, Joint Secretary in the

Department of Economic Affairs, Ministry of Finance as Part-time Member of the Insurance Regulatory and Development Authority with immediate effect until further orders.

[F. No. 11/6/2003-Ins-IV]

R. RENGANATH, Director

नई दिल्ली, 18 जुलाई, 2003

का.आ. 2042.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश से एतद्वारा यह घोषणा करती है कि उपर्युक्त अधिनियम की धारा 13 एवं 15(1) के उपबंध यूको बैंक पर इस अधिसूचना की तिथि से पांच वर्षों की अवधि के लिए लागू नहीं होंगे।

[फा. सं. 11/6/2003-बीओए]

डी. पी. भारद्वाज, अवर सचिव

New Delhi, the 18th July, 2003

S.O. 2042.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of Reserve Bank of India, hereby declares that the provisions of Sections 13 and 15 (1) of the said Act shall not apply, for a period of five years from the date of this Notification to UCO Bank.

[F. No. 11/6/2003-BOA]

D. P. BHARDWAJ, Under Secy.

नई दिल्ली, 18 जुलाई, 2003

का.आ. 2043.—भारतीय स्टेट बैंक (अनुबंधी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क.) के साथ पठित धारा 25 की उपधारा (1) के खंड (ग ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एसोसिएट बैंक आफिसर्स एसोसिएशन : यूनिट स्टेट बैंक आफ बीकानेर एंड जयपुर के सचिव, श्री यू. एम. सांघी को अधिसूचना की तारीख से 3 वर्ष की अवधि और उसके बाद उनके उत्तराधिकारी के नामित किए जाने की तारीख तक अथवा स्टेट बैंक आफ बीकानेर एंड जयपुर में उनके अधिकारी के रूप में नियुक्त नहीं रहने पर, या अगला आदेश होने तक जो भी पहले हो, स्टेट बैंक आफ बीकानेर एंड जयपुर के निदेशक मंडल में अधिकारी/कर्मचारी निदेशक के रूप में नामित करती है बशर्ते कि वे छः वर्ष से अधिक की अवधि तक लगातार पद धारण नहीं करेंगे।

[फा. सं. 8/3/2002-बीओआई]

रमेश चन्द्र, अवर सचिव

New Delhi, the 18th July, 2003

S.O. 2043.—In exercise of the powers conferred by clause (cb) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri U.M. Sanghi, Secretary, Associate Banks Officers' Association: Unit State Bank of Bikaner and Jaipur as Officer Employee Director on the Board of Directors of State Bank of Bikaner and Jaipur for a period of three years from the date of notification and thereafter until his successor has been nominated or until he ceases to be an Officer of State Bank of Bikaner and Jaipur, or until further orders, whichever event occurs the earliest, provided he shall not hold office continuously for a period exceeding six years

[F. No. 8/3/2002-B.O.I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 22 जुलाई, 2003

का.आ. 2044.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश से एतद्वारा यह घोषणा करती है कि उपर्युक्त अधिनियम की धारा 13 एवं 15 की उपधारा (1) के इंडियन ओवरसीज बैंक पर इस अधिसूचना की तिथि से पांच वर्षों की अवधि के लिए लागू नहीं होंगे।

[फा. सं. 11/4/2003-बीओए]

डी. पी. भारद्वाज, अवर सचिव

New Delhi, the 22nd July, 2003

S.O. 2044.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of Reserve Bank of India, hereby declares that the provisions of Sections 13 and 15 (1) of the said Act shall not apply, for a period of five years from the date of this Notification to Indian Overseas Bank.

[F. No. 11/4/2003-BOA]

D. P. BHARDWAJ, Under Secy.

नई दिल्ली, 21 जुलाई, 2003

का.आ. 2045.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक के परामर्श से केन्द्रीय सरकार एतदद्वारा घोषित करती है कि बैंककारी विनियमन अधिनियम, 1949 की धारा 15 की उपधारा (1) के उपबंध पंजाब नेशनल बैंक पर लागू नहीं होंगे क्योंकि वित्तीय वर्ष 2002-03 के लिए उक्त वर्ष के दौरान पूर्व नेडुगांडी बैंक लि. के पंजाब नेशनल बैंक के साथ विलय होने के फलस्वरूप उत्पन्न हुई अपरिशोधित निवल कमी व साफ्टवेयर संबंधी पूँजी व्यय को मूर्त आस्तियों द्वारा प्रतिनिधित्व व्यय नहीं माना जा सकता।

[फा. सं. 10/6/2003-बीओए]

डी. पी. भारद्वाज, अवर सचिव

New Delhi, the 21st July, 2003

S.O. 2045.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of Reserve Bank of India, hereby declares that the provisions of Sub-section (1) of Section 15 of the Banking Regulation Act, 1949 shall not apply to Punjab National Bank in so far as treatment of the unamortized net deficit arising out of merger of erstwhile Nedungadi Bank Ltd. with Punjab National Bank during the year and capital expenditure relating to software, being treated as expenditure not represented by tangible assets, for the financial year 2002-03.

[F. No. 10/6/2003-BOA]

D. P. BHARDWAJ, Under Secy.

संचार एवं सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

डाक जीवन बीमा निदेशालय

नई दिल्ली, 1 जुलाई, 2003

का.आ. 2046.—भारत के राष्ट्रपति निदेश देते हैं कि डाकघर बीमा निधि नियमावली में तत्काल प्रभाव से निम्नलिखित संशोधन किए जाएं, नामत :—

नियम 1 : मौजूदा नियम 1 के उप नियम 3 के नीचे एक नया उप नियम 3क अंतःस्थापित किया जाएगा, जो निम्नानुसार है:

(3क) “बीमा एजेंट” से अभिप्राय उस व्यक्ति से है जिसे डाक जीवन बीमा और ग्रामीण डाक जीवन बीमा उत्पादों के विक्रय तथा इसके लिए किसी पात्र प्रस्तावक से अग्रिम प्रीमियम सहित प्रस्ताव के अनुप्रापण के लिए मुख्य पोस्टमास्टर जनरल द्वारा चयनित किया गया हो।

नियम 22: इस नियम की टिप्पणी 10 के नीचे एक नई टिप्पणी सं. 11 अंतःस्थापित की जाएगी जो निम्नानुसार है:

टिप्पणी 11: मुख्य पोस्टमास्टर जनरल डाक महानिदेशक द्वारा समय-समय पर यथा-निर्धारित निबंधन एवं शर्तों अध्यधीन डाक जीवन बीमा एवं ग्रामीण डाक जीवन बीमा उत्पादों के विक्रय के प्रयोजनार्थ तथा प्रस्तावक से अग्रिम प्रीमियम वा अनुप्रापण करने के लिए अपने क्षेत्राधिकार के भीतर किसी व्यक्ति का चयन कर सकते हैं जिसे बीमा एजेंट के तौर पर जाना जाएगा। इस के प्रारंभण की तिथि वही होगी जो मुख्य पोस्टमास्टर जनरल द्वारा प्रस्ताव की स्वीकृति की तिथि होगी वशर्ते कि अग्रिम बीमा प्रस्ताव को समुचित संवीक्षा करने के उपरांत परिकलित प्रथम प्रीमियम की राशि से कम न हो।

[फा. सं. 26/2/2003-एल आई]

बी. पटी, उप महाप्रबंधक

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Posts)

(DIRECTORATE OF POSTAL LIFE INSURANCE)

New Delhi, the 1st July, 2003

S.O. 2046.—The President of India is pleased to direct that following amendments shall be made with immediate effect in the Post Office Insurance Fund Rules, namely:—

Rule 1: A new sub Rule 3A will be inserted below existing sub Rule 3 of Rule 1 as under:

(3A) “Insurance Agent” means a person selected by the Chief Postmaster General for sale of Postal Life Insurance and Rural Postal Life Insurance products and collection of a proposal therefor with advance premium from an eligible proponent.

Rule 22: A new note No. 11 shall be inserted below note 10 of this Rule as under:

Note 11: The Chief Postmaster General may select a person within his jurisdiction to be known as “Insurance Agent” for the purpose of sale of Postal Life Insurance and Rural Postal Life Insurance products and collecting advance premium from the proponent subject to such terms and conditions as prescribed by the Director General (Post's) from time to time. The date of commencement of risk will be same as the date of acceptance of the proposal by the Chief Postmaster General provided that the advance deposit is not less than the amount of first premium as worked out after proper scrutiny of the proposal.

[F. No. 26/2/2003-LI]

V. PATI, Dy. General Manager

वाणिज्य और उद्योग मंत्रालय

(औद्योगिक नीति और संबर्धन विभाग)

आदेश

नई दिल्ली, 14 जुलाई, 2003

का.आ. 2047.—केन्द्रीय सरकार, आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नमक (असम आरक्षित स्टॉक) आदेश, 1973 को, उन बातों के सिवाय, जिन्हें उक्त आदेश के अधीन ऐसे विखंडन से पूर्व किया गया है या करने का लोप किया गया है, तुरन्त प्रभाव से विखंडित करती है।

[फा. सं. 44011/28/2002-नम्.]

एस. सी. शिवाजी राव, अवर सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Industrial Policy and Promotion)

ORDER

New Delhi, the 14th July, 2003

S.O. 2047.—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955) the Central Government hereby rescinds the Salt (Assam Reserve Stock) Order, 1973 with immediate effect, except as respects things done or omitted to be done under the said Orders, before such rescission.

[F. No. 44011/28/2002-Salt]

S. C. SIVAJI RAO, Under Secy.

कृषि मंत्रालय

(कृषि और सहकारिता विभाग)

नई दिल्ली, 22 जुलाई, 2003

का.आ. 2048.—केन्द्रीय सरकार बहु-राज्य सहकारी समिति अधिनियम, 2002 (2002 का 39) की धारा 4 की उप धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार की दिनांक 7 मार्च, 2003 की अधिसूचना सं. एल-11012/2/2003-एल एंड एस का अधिक्रमण

करते हुए एतद्वारा कृषि मंत्रालय, कृषि एवं सहकारिता विभाग में संयुक्त सचिव (ऋण एवं सहकारिता), सुश्री अंजलि प्रसाद, भा. प्रशा. से. (यू.एल: 83) को आगामी आदेशों तक के लिए केन्द्रीय पंजीयक, सहकारी समितियां के पद पर नियुक्त करती है।

[फा. सं. एल-11012/2/2003-एल एंड एम]

एस. के. जैन, अबर सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi, the 22nd July, 2003

S. O. 2048.—In exercise of the powers conferred vide Sub-section (i) of Section 4 of the Multi-State Cooperative Societies Act, 2002 (39 of 2002) and in supersession of the Government of India Notification No. L-I 1012/2/2003-L & M, dated 7th March, 2003, the Central Government hereby appoints Ms. Anjali Prasad, IAS (UL: 83), Joint Secretary (Credit & Cooperation) in the Ministry of Agriculture, Department of Agriculture & Cooperation, as the Central Registrar of Cooperative Societies till further orders.

[F. No. L-1112/2/2003-L & M]

S. K. JAIN, Under Secy.

पोत परिवहन मंत्रालय

नई दिल्ली, 17 जुलाई, 2003

का.आ. 2049.—भारत सरकार, निम्नलिखित कार्यालय, जहां 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है और जो इस मंत्रालय के प्रशासनिक नियंत्रण में है, को राजभाषा (संघ के सरकारी उद्देश्य के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप नियम (4) के तहत अधिसूचित करती है :—

लाल बहादुर शास्त्री उन्नत समुद्रीय अध्ययन एवं अनुसंधान महाविद्यालय,
हे बंदर, मुम्बई-400033.

[फा. सं. ई-11011/1/2000-हिन्दी]

आर. के. जैन, संयुक्त सचिव

MINISTRY OF SHIPPING

New Delhi, the 17th July, 2003

S. O. 2049.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (use for the official purpose of the Union) Rule, 1976, the Government of India hereby notifies the following office under the administrative control of the Ministry of Shipping where more than 80% of staff have acquired working knowledge in Hindi :—

Lal Bahadur Shastri College of Advanced
Maritime Studies and Research,
Hay Bunder,
Mumbai-400033.

[F. No.E-11011/1/2000-Hindi]

R. K. JAIN, Jt. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 21 जुलाई, 2003

का. आ. 2050.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में पानेवाड़ी (मनमाड) संस्थान से मध्य प्रदेश राज्य में भांगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कॉरपोरेशन लिमिटेड द्वारा विस्तार पाइपलाइनें विछाई जानी चाहिए;

और, केन्द्रीय सरकार ने उपयोग के अधिकार का अर्जन करने के आशय की घोषणा भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2363 तारीख 04 सितम्बर, 2001 द्वारा की थी, जो भारत के राजपत्र भाग II, खण्ड 3, उपखण्ड (ii) तारीख 15 सितम्बर, 2001 में प्रकाशित की गई थी;

और केन्द्रीय सरकार को ऐसी विस्तार पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि वह भूमि जिसमें उक्त पाइपलाइनें बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने का अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इकीस दिन के भीतर भूमि के नीचे पाइपलाइनें बिछाने के संबंध में श्री प्रह्लाद वी. कच्चर, सक्षम प्राधिकारी, मुंबई-मनमाड पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कॉरपोरेशन लिमिटेड कार्यालय, प्रथम तल, सेवा काप्पलेक्स, गुरुद्वारा के सामने, मुंबई-आगरा रोड, धूले 424311 (महाराष्ट्र) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : धुलिया

जिला : धुलिया

राज्य : महाराष्ट्र

ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र			
		हैक्टर	आर	चौरस मीटर	
1	2	3	4	5	6
1. कुलथे	174	0	02	88	
	7/4	0	08	46	
	7/3	0	08	46	
	138/b//2	0	04	50	
	152/अ/1भाग	0	06	20	
	152/अ2/2भाग	0	01	70	
	152/अ/2/1भाग	0	07	20	
	152/b/2भाग	0	16	40	
	145भाग	0	06	19	
	134/1भाग	0	02	05	
	137/1भाग	0	16	64	
	72/1भाग	0	21	20	
	62/4भाग	0	09	14	
2. मांडल	75/1	0	15	48	
	75/2	0	14	26	
	77/1	0	00	90	
	76	0	24	66	
	81	0	01	98	
	82	0	38	70	
	93	0	21	60	
	95	0	09	72	
	94	0	31	68	
	102/3	0	35	82	
	102/2-1	0	12	06	
	114	0	16	20	
	115	0	14	40	
	116/7	0	21	06	

1	2	3	4	5	6
		102/10भाग	0	14	20
		102/8भाग	0	44	02
		102/7भाग	0	19	61
		102/6/2भाग	0	05	20
		116/4भाग	0	19	40
		120/2भाग	0	17	82
3.	बोरकुंड	215/अ/1/1भाग	0	33	82
		215/अ/ब/1/1भाग	0	04	28
4.	बोरकुंड (रतनपुरा)	605	0	24	40
		285/2भाग	0	09	70
5.	दोंदेवाड	59/3	0	06	30
6.	विंचुर बुद्धख	84	0	12	96
		109/1-5	0	19	26
		109/2	0	04	00
		101/2	0	07	60
		105/1-2ब	0	00	25
		101/2भाग	0	07	60
		98/1/2भाग	0	04	84
		101/1ड भाग	0	04	75
		83 भाग	0	11	94
7.	शिरड	788/1अ	0	30	60
		32/1अ	0	09	72
8.	वेल्हाणे बुद्धख	322/2	0	16	20
		324भाग	0	12	58
9.	तांडा कुंडाणे	71	0	13	50
		122	0	01	80
		73भाग	0	10	62
10.	चिंचखेडे	61/4	0	17	82
		62/2	0	11	53
11.	मुक्ती	234/1ड/2भाग	0	04	50
12.	नंदाले खुर्द	51/1/2	0	13	68
		35	0	5	40
		72/3/1	0	5	58
		72/3/2	0	22	78
13.	सातरणे	73	0	14	94
14.	मोहाडी (प्र. डांगरी)	124	0	44	64

[फा. सं. आर- 31015/13/2001/ओ आर-II]

हरीश कुमार, अधर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 21st July, 2003

S.O. 2050.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from the Panewadi (Manmad) terminal in the State of Maharashtra, an extension pipeline to Manglya (Indore) in the State of Madhya Pradesh should be laid by Bharat Petroleum Corporation Limited;

And, whereas, the Central Government has declared its intention to acquire the right of user vide notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2363 Dated the 4th September, 2001 published in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 15th September, 2001.

And, whereas, it appears to the Central Government that for the purpose of laying such extension pipelines, it is necessary to acquire the right of user in the land under which the said pipelines are proposed to be laid and which is described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of use therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section (3) of the said Act, are made available to the general public, object in writing to the laying of the pipelines under the land to Shri Prahalad V. Kachare, Competent Authority, Mumbai-Manmad, Pipeline Extension Project, Bharat Petroleum Corporation Limited at office at 1st Floor, Seva Complex, Opp. Gurudwara, Mumbai-Agra Road, Dhule-424311 (Maharashtra).

SCHEDULE

Tahsil: Dhule

District:—Dhule

State: Maharashtra

Name of Village	Gat/Survey Numbers		Area		
			Hectors	Ares	Sq. Mts.
1	2	3	4	5	6
1. Kulthe	174		0	02	88
	7/4		0	08	46
	7/3		0	08	46
	138/B/2		0	04	50
	152/A/1Pt.		0	06	20
	152/A2/2Pt.		0	01	70
	152/A/2/1Pt.		0	07	20
	152/B/2Pt.		0	16	40
	145Pt.		0	06	19
	134/lPt.		0	02	05
	137/lPt.		0	16	64
	7/2/1Pt.		0	21	20
2. Mandal	62/4Pt.		0	09	14
	75/1		0	15	48
	75/2		0	14	26
	77/1		0	00	90
	76		0	24	66
	81		0	01	98

1	2	3	4	5	6
		82	0	38	70
		93	0	21	60
		95	0	09	72
		94	0	31	68
		102/3	0	35	82
		102/2-1	0	12	06
		114	0	16	20
		115	0	14	40
		116/7	0	21	06
		102/10Pt.	0	14	20
		102/8Pt.	0	44	02
		102/7Pt.	0	19	61
		102/6/2Pt.	0	05	20
		116/4Pt.	0	19	40
		120/2Pt.	0	17	82
3.	Borkund	215/A/1/1Pt.	0	33	82
		215/A/B/1/1Pt.	0	04	28
4.	Borkund (Ratnpara)	603	0	24	40
		285/2Pt.	0	09	70
5.	Dondvad	59/3	0	06	30
6.	Vinchur Budruk	84	0	12	96
		109/1-5	0	19	26
		109/2	0	04	00
		101/2	0	07	60
		102/1-2-B	0	00	25
		101/2Pt.	0	07	60
		98/1/2Pt.	0	04	84
		101/1DPt.	0	04	75
		83Pt.	0	11	94
7.	Shirud	788/1A	0	30	60
		32/1A	0	09	72
8.	Velhane Bk.	322/2	0	16	20
		324PL	0	12	58
9.	Tanda Kundane	71	0	13	50
		122	0	01	80
		73Pt.	0	10	62
10.	Chinchkhede	61/4	0	17	82
		62/2	0	11	53
11.	Mukti	234/1D/2Pt.	0	04	50

1	2	3	4	5	6
12.	Nandale Khurd	51/1/2	0	13	68
		35	0	5	40
		72/3/1	0	5	58
		72/3/2	0	22	78
13.	Satarne	73	0	14	94
14.	Mohadi (Pra Dangari)	124	0	44	64

[F. No. R-31015/13/2001/OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 21 जुलाई, 2003

का.आ. 2051.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑल कॉर्पोरेशन लिमिटेड द्वारा सलाया भूथरा पाइपलाइन प्रणाली के विरमगाम-कोयली खण्ड के कार्यान्वयन हेतु एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोइ व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इकाईस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन लिमिटेड, पाइपलाइन डिविजन, पो. बा. सं. 4, डाकघर-विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : आंकलाब	जिला : आणंद	राज्य : गुजरात			
गांव का नाम	सर्वे संख्या	उप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
भेटासी तणपद	159		0	02	84
आमरोल	389		0	03	73
आसोदर	1092		0	00	24
	1340		0	00	80
	1343		0	03	41
	1408		0	01	87

[फा. सं. आर-25011/3/2002/ओ आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 21st July, 2003.

S.O. 2051.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam—Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R.M. Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P.B. No. 4, P.O Viramgam, Distt. Ahmedabad, Gujarat-382150 :

SCHEDULE

Taluka:-ANKLAV	District:-ANAND	State:-GUJARAT			
Name of the Village	Survey No.	Sub.Division No.	Area		
			Hectare	Acres	Sq.Mts.
1	2	3	4	5	6
Bhetasi Talpad	159		0	02	84
Amrol	389		0	03	73
Asodar	1092		0	00	24
	1340		0	00	80
	1343		0	03	41
	1408		0	01	87

[F. No.R-25011/3/2002-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 21 जुलाई, 2003

का०आ० 2052.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का० आ० 541, तारीख 13 फरवरी, 2003 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली परियोजना के विरसगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेक्षणों के संबंधन के कार्यान्वयन के लिए, गुजरात राज्य में विरसगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होकर अपारिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 11 मार्च, 2003 को उपलब्ध करा दी गई थीं;

और जनता से पाइपलाइन बिछाने के संबंध में विहित प्राधिकारी को कोई आक्षेप प्राप्त नहीं हुए हैं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है उस भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाय सभी निलंगनों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : देत्रोज रामपुरा	ज़िला : अहमदाबाद	राज्य : गुजरात			
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	हेक्टर	एकर	बांस मीटर
1	2	3	4	5	6
रामपुरा	305	4	0	09	88

[फा. सं. आर-25011/9/2001-ओ आर-I]

रेणुका कुमार, अधर सचिव

New Delhi, the 21st July, 2003

S.O. 2052.—Whereas by the notification of the Government of India, in the Ministry of Petroleum and Natural Gas Number S.O. 541, dated the 13th Feb. 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification, for the purpose of laying pipeline for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the “Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura Pipeline System Project.”

And whereas, copies of the said Gazette notification were made available to the general public on the 11th March, 2003;

And whereas no objections have been received by the competent authority from the public to the laying of the pipeline;

And whereas, the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right in user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying of the pipeline shall instead of vesting in the Central Government, vest on the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE

Taluka : DETROJ RAMPURA	District: AHMEDABAD	State : GUJARAT			
Name of Village	Survey No.	Sub.Division No.	Area		
			Hectare	Acres	Sq.Mts.
1	2	3	4	5	6
Rampura	305	4	0	09	88

[F. No.R-25011/9/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 21 जुलाई, 2003

का. आ. 2053.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिंडा तक अपरिष्कृत तेल के परिवहन के लिए मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइप लाइन के माध्यम से गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुबंधी) द्वारा पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित हैं, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री राम करन शर्मा, सक्षम प्राधिकारी, मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन, पंजाब रिफाइनरीज प्रोजेक्ट, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुबंधी), 450, एम.सी. कालोनी, हिसार रोड, सिरसा-125055 (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : सिरसा

ज़िला : सिरसा

राज्य : हरियाणा

गांव का नाम	हटबस्त नं.	खसरा नं.	हिस्सा यदि कोई है	क्षेत्रफल कनाल—मरला
1	2	3	4	5
जलालआना	251	56/21	—	0-2
		146/13	—	0-4

[फा. सं. आर-31015/13/2000/ओआर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 21st July, 2003

S.O. 2053.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bhatinda in the State of Punjab, through Mundra-Bhatinda crude oil pipelines, pipelines should be laid by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And, whereas, it appears to the Central Government that for the purpose of laying the said pipelines, it is necessary to acquire the right of user in the land under which the said pipelines are proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification are made available to the general public, object in writing to the laying of the pipeline under the land to Shri Ram Karan Sharma, Competent Authority, Mundra- Bhatinda Crude Oil Pipeline, Punjab Refinery Project, Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited), 450, M. C. Colony, Hissar Road, Sirsa- 125055 (Haryana).

SCHEDULE

Tehsil : Sirsa

District : Sirsa

State : Haryana

Name of Village	Hadbast No.	Khasra No.	Part Hissa No. (if any)	Extent Kanal-Maria
1	2	3	4	5
Jalalana	251	56/21	—	0.2
		146/13	—	0.4

[F. No. R-31015/13/2000/OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 21 जुलाई, 2003

का. आ. 2054.—केंद्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सालाया मधुरा पाइपलाइन प्रणाली के विरमगाम-कोयली खण्ड के कार्यान्वयन हेतु एक पाइपलाइन बिछाई जानी चाहिए;

और, केंद्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इकीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंड्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉरपोरेशन लिमिटेड, पाइपलाइन डिवीजन, पो. बा. सं. 4, डाकघर-विरमगाम, ज़िला अहमदाबाद, गुजरात-382150 को लिखित रूप में आशेष भेज सकेगा।

अनुसूची

तालुका : पेटलाद

जिला : आणंद

राज्य : गुजरात

गांव का नाम	सर्वे संख्या	उप-खंड संख्या	हेक्टर	क्षेत्रफल	
				एयर	वर्गमीटर
1	2	3	4	5	6
संजाया	417		0	00	44
	416		0	02	24

[फा. सं. आर. -25011/3/2002/ओआर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 21st July, 2003

S.O. 2054.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam—Koyli section of Salaya—Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P. B. No. 4, P. O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Petlad		District : Anand	State : Gujarat		
			Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Sanjaya	417		0	00	44
	416		0	02	24

[F. No. R-25011/3/2002/OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 21 जुलाई, 2003

का. आ. 2055.—केंद्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सालाया मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली खण्ड के कार्यान्वयन हेतु एक पाइपलाइन बिछाई जानी चाहिए;

और, केंद्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केंद्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंड्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड पाइपलाइन डिवीजन पो. बा. सं. 4, डाकघर-विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : बोरसद		जिला : आणंद	राज्य : गुजरात		
			क्षेत्रफल		
गांव का नाम	सर्वे संख्या	उप-खण्ड संख्या	हेक्टर	एयर	वर्गमीड
1	2	3	4	5	6
नापा तलपद	159		0	01	49
	158	2	0	01	73
	158	4	0	04	97
	199		0	00	95
भेटासी तलपद	159		0	02	84

[फा० सं० आर-25011/7/2002/ओआर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 21st July, 2003

S.O. 2055.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum (crude) from Viramgam to Koyli in the State of Gujarat a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam—Koyli Section of Salaya—Mathura Pipeline System;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P. B. No. 4, P. O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Borsad		District : Anand	State : Gujarat		
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Napa Talpad	159		0	01	49
	158	2	0	01	73
	158	4	0	04	97
	199		0	00	95
Bhetasi Talpad	159		0	02	84

[F. No. R-25011/7/2002/OR-II]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 21 जुलाई, 2003

का. आ. 2056.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 540, तारीख 13 फरवरी, 2003 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सलाया—मथुरा पाइपलाइन प्रणाली परियोजना के विरमगाम—चाकसू, चाकसू—पानीपत और चाकसू—मथुरा सेक्षनों के संबंधन के कार्यान्वयन के लिए, गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होकर अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 11 मार्च, 2003 को उपलब्ध करा दी गई थीं;

और जनता से पाइपलाइन बिछाने के संबंध में विहित प्राधिकारी को कोई आक्षेप प्राप्त नहीं हुए हैं;

और सक्षम प्राधिकारी ने उक्त अधिनियम के धारा 6 के उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है उस भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस

अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपचारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाय सभी विलंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : विरामगाम	ज़िला : अहमदाबाद	राज्य : गुजरात			
गांव का नाम	सर्वे संख्या	ठप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
करियाला	25	—	0	19	82

[फा० सं० आर-25011/9/2001/ओआर-I]

रेणुका कुमार, अवर सचिव.

New Delhi, the 21st July, 2003

S.O. 2056.—Whereas by the notification of the Government of India, in the Ministry of Petroleum and Natural Gas Number S.O. 540 dated the 13th February, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (30 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification, for the purpose of laying pipeline for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura Pipeline System Project;"

And whereas, copies of the said Gazette notification were made available to the general public on the 11th March, 2003;

And whereas no objections have been received by the competent authority from the public to the laying of the pipeline;

And whereas, the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right in user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying of the pipeline shall instead of vesting in the Central Government, vest on the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE

Taluka : Viramgam	District : Ahmedabad			State : Gujarat	
Name of the Village	Survey No.	Sub-Division No.	Hectare	Area	Sq. Mtr.
1	2	3	4	5	6
Kariyala	25	—	0	19	82

[F. No. R-25011/9/2001/OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 22 जुलाई, 2003

का०आ० 2057.—केंद्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि उत्तर प्रदेश राज्य में भौरावन स्थित जिला उन्नाव में विद्यमान इन्स्टर्मीडिएट पिंगिंग स्टेशन से सिटी गेट स्टेशन लखनऊ परियोजना तक फौंडर गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा अतिरिक्त पाइपलाइनें बिछाने और सहयुक्त सुविधाओं के व्यवस्था के साथ एक पाइपलाइन बिछाई जानी चाहिए;

और केंद्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइप-लाइन बिछाए जाने के संबंध में सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, बी-35-36, सैवटर-1, नोएडा-201 301 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गांव	खसग नंबर	अर्जित क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
लखनऊ	लखनऊ	मेमौरा	1019	0.0819
			1031	0.1511
			1026	0.0814
			1025	0.0106
			1023	0.2906
			1021	0.2643
			1020	0.0465
			1007	0.0813
			1008	0.0697
			1009	0.0698
			1010	0.0756
			329	0.0465
			922	0.0639
			921	0.1300
			918	0.1248
			917	0.0349
			595	0.0124
			596	0.1040
			597	0.0581
			598	0.0387
			607	0.0443
			610	0.0342
			611	0.0125
			612	0.0465
			613	0.0761

1	2	3	4	5
लखनऊ	लखनऊ	मेमौरा—जारी		
		564	0.1279	
		568	0.0378	
		566	0.0884	
		550	0.0780	
		556	0.0585	
		558	0.0480	
		557	0.0929	
		559	0.0122	
		541	0.1040	
		540	0.0728	
		537	0.0624	
		528	0.0728	
		368	0.0349	
		527	0.0378	
		369	0.0624	
		392	0.1196	
		393	0.0407	
		394	0.0520	
		395	0.0520	
		396	0.0416	
		398	0.0520	
		गस्ता	0.0156	
		204	0.0291	
		420	0.0676	
		435	0.0610	
		430	0.0292	
		433	0.0232	
		432	0.0624	
		गस्ता	0.0156	
		440	0.0872	
		412	0.1163	
		446	0.0395	
		447	0.0465	
		448	0.0756	
		450	0.0103	
		457	0.0432	
		कुल	4.1207	
		600	0.0780	
		598	0.1104	
		597	0.0291	
		596	0.0378	
		602	0.0102	
		591	0.0262	
		595	0.0233	
		592	0.0523	

1	2	3	4	5
लखनऊ	लखनऊ	बीबीपुर—जारी		
		590	0.0319	
		896	0.0221	
		895	0.0291	
		509	0.0174	
		510	0.1104	
		514	0.0581	
		513	0.0523	
		517	0.0341	
		518	0.0422	
		520	0.0317	
		521	0.0465	
		524	0.1453	
		527	0.1802	
		528	0.0523	
		529	0.0346	
		588	0.0610	
		538	0.1627	
		599	0.0104	
		537	0.1852	
		539	0.0031	
		483	0.1162	
		482	0.0523	
		481	0.0877	
		461	0.1162	
		460	0.1279	
		459	0.1740	
		453	0.0523	
		439	0.0624	
		438	0.0728	
		436	0.0321	
		437	0.0520	
		435	0.0108	
		425	0.0126	
		428	0.0780	
		429	0.0520	
		409	0.0520	
		410	0.0572	
		405	0.2441	
		405/925	0.0407	
		408	0.0126	
		कुल	6.2738	
		किशनपुर कोरिया		
		607	0.0892	
		584	0.0326	
		583	0.1891	
		573	0.1392	
		574	0.0110	

1	2	3	4	5
लखनऊ	लखनऊ	किशनपुर कोरिया—जारी		
		482	0.0243	
		479	0.0134	
		481	0.0568	
		467	0.0501	
		466	0.3191	
		464	0.0242	
		450	0.0961	
		448	0.0017	
		451	0.0618	
		437	0.0129	
		436	0.1055	
		477	0.0112	
		575	0.0108	
		530	0.0121	
		528	0.0106	
		522	0.0173	
		524	0.0361	
		523	0.1072	
		449	0.1046	
		429	0.0244	
		521	0.0460	
		529	0.0216	
		430	0.0205	
		599	0.0622	
		438	0.0344	
		कुल	1.7460	
	नेवान	148	0.0017	
		137	0.0362	
		135	0.0442	
		142	0.0086	
		134	0.0081	
		133	0.0636	
		122	0.0481	
		114	0.1739	
		113	0.0011	
		116	0.0224	
		25	0.0663	
		24	0.0341	
		33	0.0501	
		34	0.0261	
		95	0.1528	
		96	0.1342	
		97	0.0062	
		94	0.0011	
		93	0.1169	
		85	0.0578	

1	2	3	4	5
लखनऊ	लखनऊ	नेवान—जारी		
		84	0.0246	
		82	0.0577	
		123	0.0681	
		115	0.0016	
		35	0.0544	
		83	0.0011	
		26	0.0120	
		138	0.0112	
		कुल	1.2842	
	करौनी	1567	0.0639	
		1568	0.0041	
		1569	0.0038	
		1570	0.0317	
		2067	0.0425	
		2070	0.0164	
		2068	0.0014	
		2063	0.1715	
		1616	0.1739	
		1610	0.1102	
		2068	0.0863	
		2065	0.0066	
		1609	0.0085	
		1611	0.0015	
		1608	0.0018	
		1598	0.0039	
		1607	0.0684	
		1605	0.0014	
		1603	0.0934	
		1438	0.1128	
		1550	0.0517	
		1633	0.0816	
		1640	0.0021	
		1641	0.1727	
		1644	0.0235	
		439	0.0105	
		1647	0.0912	
		1646	0.0028	
		1650	0.0311	
		1651	0.0018	
		1652	0.0062	
		1654	0.0201	
		1421	0.0166	
		1417	0.0354	
		1419	0.0391	
		1431	0.0438	
		1432	0.0227	

1	2	3	4	5
लखनऊ	लखनऊ	करैनी—जारी		
		1433	0.1576	
		902	0.0301	
		901	0.0433	
		900	0.0724	
		899	0.0718	
		428	0.0639	
		430	0.0531	
		422	0.0802	
		405	0.0238	
		404	0.0566	
		406	0.0374	
		319	0.1148	
		315	0.1023	
		314	0.0535	
		316	0.0118	
		305	0.0201	
		306	0.0059	
		304	0.0168	
		307	0.0088	
		313	0.0641	
		312	0.0463	
		418	0.0157	
		1526	0.0784	
		1551	0.0821	
		1571	0.0019	
		2064	0.0121	
		1499	0.1725	
		कुल	3.1542	
	मीरानपुर	670	0.0186	
		669	0.0528	
		675	0.1681	
		668	0.0052	
		666	0.1201	
		665	0.0339	
		609	0.1122	
		608	0.0188	
		602	0.0451	
		600	0.0130	
		664	0.0081	
		968	0.0164	
		524	0.0622	
		349	0.0318	
		451	0.0620	
		370	0.0129	
		372	0.0672	
		448	0.0717	
		374	0.0673	

1	2	3	4	5
लखनऊ	लखनऊ	मीरापुर—जारी	375	0.0241
			376	0.0384
			362	0.0755
			378	0.0671
			388	0.1120
			390	0.0283
			412	0.0359
			413	0.0590
			408	0.0637
			409	0.0173
			671	0.0021
			406	0.0276
			389	0.0122
			कुल	1.5506
नटकुर			1708	0.0814
			1707	0.1395
			1706	0.0697
			1705	0.1686
			1691	0.1162
			1692	0.6509
			1620	0.0929
			1634	0.0697
			1623	0.1453
			1624	0.1162
			1627	0.2151
			कुल	1.8655
गेहूर			1438	0.3604
			कुल	0.3604

[फ्र० सं. एल-14014/27/2003-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 22nd July, 2003

S.O. 2057.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Feeder Gas Pipeline from existing Intermediate Pigging Station at Maurawan Distt. Unnao to City Gate Station Lucknow Project in the State of Uttar Pradesh, a pipeline with provision of laying additional pipeline and associated facilities should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, GAIL (India) Limited, B-35 & 36, Sector-1, Noida-201 301.

SCHEDULE

District	Tehsil	Village	Survey No.	Area Acquired (In Hect.)
1	2	3	4	5
Lucknow	Lucknow	Memoura	1019	0.0819
			1031	0.1511
			1026	0.0814
			1025	0.0106
			1023	0.2906
			1021	0.2643
			1020	0.0465
			1007	0.0813
			1008	0.0697
			1009	0.0698
			1010	0.0756
			329	0.0465
			922	0.0639
			921	0.1300
			918	0.1248
			917	0.0349
			595	0.0124
			596	0.1040
			597	0.0581
			598	0.0387
			607	0.0443
			610	0.0342
			611	0.0125
			612	0.0465
			613	0.0761
			564	0.1279
			568	0.0378
			566	0.0884
			550	0.0780
			556	0.0585
			558	0.0480
			557	0.0929
			559	0.0122
			541	0.1040
			540	0.0728
			537	0.0624
			528	0.0728
			368	0.0349
			527	0.0378
			369	0.0624
			392	0.1196
			393	0.0407
			394	0.0520

1	2	3	4	5
Lucknow	Lucknow	Memoura— <i>Contd.</i>	395	0.0520
			396	0.0416
			398	0.0520
		Rasta	204	0.0156
			420	0.0291
			435	0.0676
			430	0.0610
			433	0.0292
			432	0.0232
		Rasta	440	0.0624
			412	0.0156
			446	0.0872
			447	0.1163
			448	0.0395
			450	0.0465
			457	0.0756
		Total	450	0.0103
		Bibipur	457	0.0432
			Total	4.1207
			600	0.0780
			598	0.1104
			597	0.0291
			596	0.0378
			602	0.0102
			591	0.0262
			595	0.0233
			592	0.0523
			590	0.0319
			896	0.0221
			895	0.0291
			509	0.0174
			510	0.0581
			514	0.1104
			513	0.0523
			517	0.0341
			518	0.0422
			520	0.0317
			521	0.0465
			524	0.1453
			527	0.1802
			528	0.0523
			529	0.0346
			588	0.0610
			538	0.1627
			599	0.0104
			537	0.1852
			539	0.0931

1	2	3	4	5
Lucknow	Lucknow	Bibipur— <i>Contd.</i>	483	0.1162
			482	0.0523
			481	0.0877
			461	0.1162
			460	0.1279
			459	0.1740
			453	0.0523
			439	0.0624
			438	0.0728
			436	0.0321
			437	0.0520
			435	0.0108
			425	0.0126
			428	0.0780
			429	0.0520
			409	0.0520
			410	0.0572
			405	0.2441
			405/925	0.0407
			408	0.0126
		Total		6.2738
	Kishanpur Kauria		607	0.0892
			584	0.0326
			583	0.1891
			573	0.1392
			574	0.0110
			482	0.0243
			479	0.0134
			481	0.0568
			467	0.0501
			466	0.3191
			464	0.0242
			450	0.0961
			448	0.0017
			451	0.0618
			437	0.0129
			436	0.1055
			477	0.0112
			575	0.0108
			530	0.0121
			528	0.0106
			522	0.0173
			524	0.0361
			523	0.1072
			449	0.1046
			429	0.0244

1	2	3	4	5
Lucknow	Lucknow	Kishanpur Kauria	521	0.0460
			529	0.0216
			430	0.0205
			599	0.0622
			438	0.0344
			Total.	1.7460
	Newan		148	0.0017
			137	0.0362
			135	0.0442
			142	0.0086
			134	0.0081
			133	0.0636
			122	0.0481
			114	0.1739
			113	0.0011
			116	0.0224
			25	0.0663
			24	0.0341
			33	0.0501
			34	0.0261
			95	0.1528
			96	0.1342
			97	0.0062
			94	0.0011
			93	0.1169
			85	0.0578
			84	0.0246
			82	0.0577
			123	0.0681
			115	0.0016
			35	0.0544
			83	0.0011
			26	0.0120
			138	0.0112
			Total	1.2842
	Karauni		1567	0.0639
			1578	0.0041
			1569	0.0038
			1570	0.0317
			2067	0.0425
			2070	0.0164
			2068	0.0014
			2063	0.1715
			1616	0.1739
			1610	0.1102
			2068	0.0863
			2065	0.0066
			1609	0.0085
			1611	0.0015
			1608	0.0018

1	2	3	4	5
Lucknow	Lucknow	Karauni— <i>Contd.</i>		
		1598	0.0039	
		1607	0.0684	
		1605	0.0014	
		1603	0.0934	
		1438	0.1128	
		1550	0.0517	
		1633	0.0816	
		1640	0.0021	
		1641	0.1727	
		1644	0.0235	
		439	0.0105	
		1647	0.0912	
		1646	0.0028	
		1650	0.0311	
		1651	0.0018	
		1652	0.0062	
		1654	0.0201	
		1421	0.0166	
		1417	0.0354	
		1419	0.0391	
		1431	0.0438	
		1432	0.0227	
		1433	0.1576	
		902	0.0301	
		901	0.0433	
		900	0.0724	
		899	0.0718	
		428	0.0639	
		430	0.0531	
		422	0.0802	
		405	0.0238	
		404	0.0566	
		406	0.0374	
		319	0.1148	
		315	0.1023	
		314	0.0535	
		316	0.0118	
		305	0.0201	
		306	0.0059	
		304	0.0168	
		307	0.0088	
		313	0.0641	
		312	0.0463	
		418	0.0157	
		1526	0.0784	
		1551	0.0821	
		1571	0.0019	
		2064	0.0121	
		1499	0.1725	
		Total	3.1542	

1	2	3	4	5
Lucknow	Lucknow	Miranpur	670	0.0186
			669	0.0528
			675	0.1681
			668	0.0052
			666	0.1201
			665	0.0339
			609	0.1122
			608	0.0188
			602	0.0451
			600	0.0130
			664	0.0081
			968	0.0164
			524	0.0622
			349	0.0318
			451	0.0620
			370	0.0129
			372	0.0672
			448	0.0717
			374	0.0673
			375	0.0241
			376	0.0384
			362	0.0755
			378	0.0671
			388	0.1120
			390	0.0283
			412	0.0359
			413	0.0590
			408	0.0637
			409	0.0173
			671	0.0021
			406	0.0276
			389	0.0122
			Total	1.5506
		Natkur	1708	0.0814
			1707	0.1395
			1706	0.0697
			1705	0.1686
			1691	0.1162
			1692	0.6509
			1620	0.0929
			1634	0.0697
			1623	0.1453
			1624	0.1162
			1627	0.2151
			Total	1.8655
		Gehru	1438	0.3604
			Total	0.3604

नई दिल्ली, 22 जुलाई, 2003

का० आ० 2058.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उत्तर प्रदेश राज्य में मौरावन स्थित जिला उन्नाव में विद्यमान इन्टरमीडिएट पिंगिंग स्टेशन से सिटी गेट स्टेशन लखनऊ परियोजना तक फीडर गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा अतिरिक्त पाइपलाइनें बिछाने और सहयुक्त सुविधाओं की व्यवस्था के साथ एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50)की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाये जाने के सम्बन्ध में, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, बी-35-36, सैक्टर-1, नोएडा-201 301 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गांव	खसरा नं०		अर्जित क्षेत्रफल (हेक्टेयर में)
			1	2	
उन्नाव	पुरवा	रसूलपुर	239	0.0990	
			240	0.0610	
			91	0.0142	
			94	0.0450	
			89	0.1123	
			88	0.0070	
			42	0.0482	
			41	0.0572	
			92	0.0842	
			86	0.0291	
			241	0.0722	
			80	0.0530	
			90	0.0040	
			235	0.0040	

उन्नाव	पुरवा	रसूलपुर	237	0.0061
			234	0.0090
			231	0.0080
			40	0.0391
			39	0.0156
			कुल	0.7682
बछौरा			107	0.0208
			106	0.0806
			110	0.0598
			111	0.0112
			112	0.0884
			113	0.0780
			87	0.0460
			115	0.0320
			117	0.1716
			116	0.1162
			119	0.1627
			120	0.0387
			121	0.4216
			122	0.0465
			123	0.1627
			128	0.0465
बछौरा			127	0.0232
			129	0.1860
			134	0.1040
			133	0.1508
			140	0.1768
			142	0.0052
			143	0.1664
			28	0.0236
			20	0.0103
			22	0.0465
			107	0.0542
			141	0.0231
			17	0.1742
			21	0.0241
			कुल	2.7309
सगौली			315	0.0465
			314	0.1627
			313	0.0465

1	2	3	4	5	1	2	3	4	5
उन्नाव	पुरवा	सगौली			उन्नाव	पुरवा	बलिया		
		312		0.0780			83		0.0051
		317		0.0676			569		0.0131
		310		0.0523			562		0.1601
		302		0.0780			561		0.1401
		177		0.0832			560		0.0442
		175		0.0407			559		0.0480
		176		0.0465			558		0.0442
		174		0.4127			557		0.0011
		138		0.9532			556		0.1011
		143		0.0291			555		0.0432
		100		0.1300			554		0.0011
		98		0.0697			549		0.0882
		97		0.0232			480		0.0091
		94		0.0520			655		0.0421
		95		0.0650			657		0.0482
		87		0.0676			658		0.0161
		188		0.0465			661		0.0190
		167		0.0116			664		0.0281
		179		0.0155			665		0.1980
		144		0.0116			666		0.0012
		145		0.0405			627		0.0561
		309		0.0814			कुल	2.6859	
		308		0.0697			बरेथा	236	0.0531
		305		0.0232			233		0.0772
		307		0.0193			216		0.1620
		कुल	2.8238				215		0.1582
							203		0.1051
		बलिया	70	0.0792			195		0.0731
			69	0.0224			196		0.0732
			67	0.2643			67		0.0490
			65	0.3441			204		0.0012
			68	0.0105			202		0.0011
			77	0.1202			261		0.0762
			80	0.0015			214		0.0031
			89	0.1801			कुल	0.8325	
			90	0.1082			खेरवा	533	0.3022
			88	0.0111			531		0.0349
			86	0.0192			530		0.3139
			84	0.1091			कुल	0.6510	
			465	0.1082					
			477	0.1281					
			571	0.0723					

1	2	3	4	5	1	2	3	4	5
उन्नाय	पुरवा	सरवारा	381	0.0572	उन्नाय	पुरवा	सरवारा	130	0.0862
			382	0.1001				83	0.0481
			375	0.0573				4/30	0.0010
			377	0.0252				391	0.0541
			376	0.0541				385	0.2312
			378	0.0221				337	0.0011
			328	0.0392				223	0.0021
			329	0.0671				238	0.1142
			333	0.1122				239	0.0011
			334	0.0961				87	0.0621
			335	0.0501				374	0.0011
			225	0.0470				<u>कुल</u>	<u>2.3626</u>
			224	0.0062					
			228	0.0510				गानोमऊ	20
			229	0.0321					0.1880
			230	0.0701					19
			231	0.0031					0.1200
			232	0.0780					18
			233	0.0221				<u>कुल</u>	<u>0.4280</u>
			234	0.0011					
			235	0.0171					
			236	0.0130					
			237	0.0081					
			163	0.0641					
			161	0.0391					
			84	0.0201					
			85	0.0321					
			86	0.0891					
			88	0.0252					
			90	0.0131					
			91	0.0031					
			92	0.0110					
			93	0.0261					
			97	0.0341					
			19	0.0340					
			12	0.0100					
			09	0.0281					
			10	0.0122					
			08	0.0761					
			162	0.0452					
			158	0.0560					
			96	0.1120					

1	2	3	4	5	1	2	3	4	5
उन्नाय	पुरा	सरबन			उन्नाय	पुरा	सरबन		
		944	0.0532				485		0.0221
		945	0.0423				570		0.1252
		1320	0.0361				1417		0.0012
		948	0.0011				1373		0.0652
		949	0.0031				335		0.0012
		923	0.1240				338		0.0012
		922	0.0492				863		0.0641
		918	0.0191				341		0.0022
		917	0.0161				532		0.0012
		915	0.0342				551		0.0013
		865	0.0023				506		0.0011
		868	0.0641				496		0.0222
		869	0.3202				481		0.0012
		718	0.0541				483		0.0282
		337	0.0221				1399		0.0011
		336	0.0362				965		0.1322
		720	0.0080				963		0.0671
		342	0.0392				347		0.0021
		533	0.0113				360		0.0011
		343	0.0362				861		0.0021
		344	0.0841				543		0.0122
		345	0.0091				567		0.0012
		346	0.1252				568		0.0022
		362	0.0701				1228		0.0011
		555	0.0111				493		0.0012
		364	0.0892				कुल	3.6218	
		538	0.0381				506		0.5252
		536	0.0032				488		0.0697
		534	0.2802				490		0.0145
		535	0.0341				487		0.0814
		530	0.0211				433		0.0242
		549	0.0402				432		0.4420
		550	0.1242				439		0.0465
		563	0.0231				440		0.0291
		565	0.0542				441		0.1744
		566	0.0362				445		0.2596
		569	0.0021				444		0.0436
		495	0.0412				108		0.0271
		488	0.0212				113		0.0698
		486	0.0271				119		0.0174

[भाग II—खण्ड 3(ii)]

भारत का राज्यपत्र : चूलाई 26, 2003/श्रावण 4, 1925

1	2	3	4	5	1	2	3	4	5
उन्नाप	पुरुष	चरण सूर्द	109	0.0349	उन्नाप	पुरुष	संभाषा	2451	0.1279
			117	0.0407				2445	0.1453
			99	0.0232				2447	0.0102
			100	0.1300				2395	0.1511
			103	0.1404				2394	0.1513
			104	0.0116				2393	0.0465
			84	0.1352				2389	0.2061
			81	0.1627				2388	0.0988
			51	0.0581				2387	0.0523
			15	0.0465				2386	0.0581
			14	0.0349				2373	0.0232
			16	0.0233				2371	0.0639
			12	0.0116				2372	0.0349
			कुल	2.6776				2357	0.0320
								2358	0.2151
			सर्वैया	223	0.0032			2354	0.1570
				बी	0.0072			2355	0.0194
				225	0.0260			1627	0.1860
				213	0.0416			1628	0.1424
				211	0.0040			1621	0.1280
				212	0.0650			1620	0.0116
				209	0.1144			1349	0.1482
				222/224	0.0220			1597	0.0232
				ए	0.0364			1568	0.0116
				191	0.1040			1595	0.0872
				199	0.0096			1594	0.1686
				188	0.0600			1593	0.0581
				185	0.0520			1588	0.0103
				186	0.0390			1589	0.1453
				187	0.0312			1351	0.0814
				से	0.0208			1335	0.0407
				डी	0.1092			1334	0.6626
				105	0.0328			1332	0.0378
								कुल	3.5361
				110	0.0192			शिवगढ़	0.0884
				111	0.0299			384	0.1279
				112	0.0442			385	0.0232
				102	0.0544			383	0.0043
				107	0.0520			387	0.0232
				106	0.0080			378	0.2042
								372	0.0043
				कुल	0.9861			373	0.0043

1	2	3	4	5	1	2	3	4	5
उन्नाव	पुरवा	शिवगढ़			उन्नाव	पुरवा	सोकरी		
		374		0.0523				273	0.0208
		157		0.0108				271	0.0208
		155		0.0837				268	0.0572
		154		0.0106				269	0.0078
		153		0.0756				<u>कुल</u>	<u>1.2613</u>
		149		0.0581					
		146		0.1627				466	0.0581
		131		0.1395				472	0.0639
		129		0.0349				474	0.0348
		126		0.0930				473	0.0320
		127		0.1104				476	0.0160
		112		0.0756				475	0.1046
		110		0.2674				668	0.0581
		113		0.1105				477	0.0639
		109		0.0348				678	0.1162
		<u>कुल</u>		<u>1.8470</u>				679	0.1744
								680	0.1802
		सोकरी	308/4	0.0624				681	0.0103
			308/3	0.0520				683	0.2620
			308/2	0.0160				682	0.0581
			307/2	0.0016				684	0.2441
			307/3	0.0364				770	0.1569
			307/8	0.0182				769	0.1162
			307/10	0.0409				768	0.0232
			307/9	0.0048				773	0.0697
			307/12	0.0624				785	0.0291
			307/13	0.0234				781	0.1744
			307/14	0.0442				782	0.1627
			307/16	0.0078				784	0.0697
			306/5	0.1820				494	0.1279
			306/4	0.0182				495	0.0424
			306/2	0.1118				493	0.1162
			306/1	0.0124				497	0.0698
			284/1	0.0156				490	0.0523
			283/1	0.0468				491	0.0349
			283/2	0.0494				473	0.4069
			283/4	0.0572				474	0.0252
			283/5	0.0520				467	0.0929
			283/7	0.0702				468	0.2209
			282	0.0078				420	0.0523
			281/7	0.0676				425	0.1627
			281/5	0.0104				426	0.0814
			<u>272</u>	<u>0.0832</u>				<u>कुल</u>	<u>3.7644</u>

1	2	3	4	5	1	2	3	4	5
उन्नाव	पुरवा	निमतिकार			उन्नाव	पुरवा	चौपाई		
		108		0.0939			296		0.0465
		124		0.1279			297		0.1820
		56		0.0078			305		0.0523
		126		0.0407			304		0.1924
		123		0.0872			314		0.0639
		122		0.0698			316		0.0378
		120		0.0401			313		0.0387
		121		0.1627			315		0.0832
		136		0.1453			328		0.0931
		165		0.1744			194		0.0349
		78		0.4127			114		0.0520
		74		0.0120			193		0.1300
		77		0.0174			194		0.0156
		76		0.2325			320		0.0468
		119		0.0120			113		0.0260
		116		0.0650			118		0.0291
		75		0.1861			115		0.0932
		74		0.0756			116		0.0520
		54		0.0378			62		0.1040
		38		0.2058			61		0.0103
		39		0.1397			57		0.0832
		05		0.0639			55		0.1040
		09		0.0465			54		0.0468
		10		0.1627			59		0.0052
		14		0.0208			कुल		2.4802
		08		0.1861			बिलौरा		0.1040
		01		0.0016			187		0.0520
		02		0.0104			186		185/923 0.0523
		<u>कुल</u>		<u>2.8384</u>			170		0.0103.
	चौपाई	257		0.0195			175		0.0320
		256		0.1352			174		0.0676
		254		0.1430			172		0.0728
		276		0.0232			161		0.1248
		253		0.0080			160		0.0676
		271		0.0988			134		0.0104
		272		0.0494			122		0.0624
		243		0.2340			123		0.0468
		291		0.0407			118		0.0145
		241		0.0381			125		0.1664
		242		0.0106			नाला		0.0052
		240		0.0814			126		0.0468
							53		0.1092

1	2	3	4	5	1	2	3	4	5
उन्नाव	पुरवा	बिलौरा	51	0.1170	उन्नाव	पुरवा	गोन्डवा	134	0.0260
			57	0.0650				133	0.0260
			46	0.0407				137	0.0520
			52	0.0103				141	0.1040
			54	0.0640				123	0.0032
			38	0.0104				122	0.0676
			39	0.0988				87	0.1040
			26	0.0530				86	0.1196
		नाला	0.0530					83	0.0610
		14	0.1248					225	0.1040
		15	0.0780					227	0.1560
		10	0.0048					228	0.0676
		09	0.0507					229	0.0780
		<u>कुल</u>	<u>1.8156</u>						
	धुनदियाधर	127	0.0988					06	0.1248
		126	0.0080					<u>कुल</u>	<u>1.4162</u>
		125	0.0416						
		124	0.1040						
		34	0.0338						
		123	0.0102						
		122	0.0728						
		121	0.0520						
		120	0.1248						
		नाला	0.0320						
		40	0.0109						
		41	0.0260						
		44	0.0468						
		45	0.0520						
		46	0.1170						
		55	0.1144						
		60	0.0936						
		49	0.0581						
		50	0.0756						
		53	0.0520						
		<u>कुल</u>	<u>1.2244</u>						
	गोन्डवा	198	0.0520						
		197	0.0416						
		196	0.0780						
		158	0.1040						
		157	0.0364						
		156	0.0104						

[फा. सं. एल-14014/27/03-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 22nd July, 2003

S.O. 2058.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Feeder Gas Pipeline from existing Intermediate Pigging Station at Maurawan Distt. Unnao to City Gate Station Lucknow Project in the State of Uttar Pradesh, a pipeline with provision of laying additional pipelines and associated facilities should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under Sub-section, (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, GAIL (India) Limited, B-35 & 36, Sector-1, Noida-201301.

SCHEDULE					1	2	3	4	5
District	Tehsil	Village	Survey No.	Area acquired (In hect.)	Unnao	Purva	Bachora		
1	2	3	4	5					
Unnao	Purva	Rasulpur	239	0.0990				134	0.1040
			240	0.0610				133	0.1508
			91	0.0142				140	0.1768
			94	0.0450				142	0.0052
			89	0.1123				143	0.1664
			88	0.0070				28	0.0236
			42	0.0482				20	0.0103
			41	0.0572				22	0.0465
			92	0.0842				107	0.0542
			86	0.0291				141	0.0231
			241	0.0722				17	0.1742
			80	0.0530				21	0.0241
			90	0.0040				Total	2.7309
			235	0.0040				Sagauli	0.0465
			237	0.0061				315	0.1627
			234	0.0090				314	0.0465
			231	0.0080				313	0.0780
			40	0.0391				312	0.0676
			39	0.0156				317	0.0523
			Total	0.7682				310	0.0780
	Bachora	107		0.0208				302	0.0832
		106		0.0806				177	0.0407
		110		0.0598				175	0.0465
		111		0.0112				176	0.4127
		112		0.0884				174	0.9532
		113		0.0780				138	0.0291
		87		0.0460				143	0.1300
		115		0.0320				100	0.0697
		117		0.1716				98	0.0232
		116		0.1162				94	0.0520
		119		0.1627				95	0.0650
		120		0.0387				87	0.0676
		121		0.4216				188	0.0465
		122		0.0465				167	0.0116
		123		0.1627				179	0.0155
		128		0.0465				144	0.0116
		127		0.0232				145	0.0405
		129		0.1860				309	0.0814
								308	0.0697
								305	0.0232
								307	0.0193
								Total	2.8238

1	2	3	4	5	1	2	3	4	5
Unnao	Purva	Walia	70	0.0792	Unnao	Purva	Bareitha	203	0.1051
			69	0.0224				195	0.0731
			67	0.2643				196	0.0732
			65	0.3441				67	0.0490
			68	0.0105				204	0.0012
			77	0.1202				202	0.0011
			80	0.0015				261	0.0762
			89	0.1801				214	0.0031
			90	0.1082				Total	0.8325
			88	0.0111				Kherwa	533
			86	0.0192					0.3022
			84	0.1091					531
			465	0.1082					0.0349
			477	0.1281					530
			571	0.0723				Total	0.6510
			83	0.0051				Sarwara	381
			569	0.0131					0.0572
			562	0.1601					382
			561	0.1401					0.1001
			560	0.0442					375
			559	0.0480					0.0573
			558	0.0442					377
			557	0.0011					0.0252
			556	0.1011					376
			555	0.0432					0.0541
			554	0.0011					378
			549	0.0882					0.0221
			480	0.0091					328
			655	0.0421					0.0392
			657	0.0482					329
			658	0.0161					0.0671
			661	0.0190					333
			664	0.0281					0.1122
			665	0.1980					334
			666	0.0012					0.0961
			627	0.0561					335
			Total	2.6859					0.0501
	Bareitha		236	0.0531					225
			233	0.0772					0.0470
			216	0.1620					224
			215	0.1582					0.0062

1	2	3	4	5	1	2	3	4	5
Unnao	Purva	Sarwara			Unnao	Purva	Sarwan	1314	0.0191
		86		0.0891			1313		0.0022
		88		0.0252			1327		0.0530
		90		0.0131			1329		0.1241
		91		0.0031			1331		0.0371
		92		0.0110			1333		0.0182
		93		0.0261			1222		0.0501
		97		0.0341			1223		0.0131
		19		0.0340			920		0.0091
		12		0.0100			1328		0.1281
		09		0.0281			956		0.0142
		10		0.0122			957		0.0251
		08		0.0761			955		0.0620
		162		0.0452			953		0.0141
		158		0.0560			944		0.0532
		96		0.1120			945		0.0423
		130		0.0862			1320		0.0361
		83		0.0481			948		0.0011
		4/30		0.0010			949		0.0031
		391		0.0541			923		0.1240
		385		0.2312			922		0.0492
		337		0.0011			918		0.0191
		223		0.0021			917		0.0161
		238		0.1142			915		0.0342
		239		0.0011			865		0.0023
		87		0.0621			868		0.0641
		374		0.0011			869		0.3202
		Total		2.3626			718		0.0541
Gonamau		20		0.1880			337		0.0221
		19		0.1200			336		0.0362
		18		0.1200			720		0.0080
		Total		0.4280			342		0.0392
Sarwan		1435		0.0320			533		0.0113
		1436		0.0312			343		0.0362
		1438		0.0231			344		0.0841
		1442		0.1150			345		0.0091
		1305		0.0621			346		0.1252
		1306		0.0251			362		0.0701
		1307		0.0412			555		0.0111
		1309		0.0031			364		0.0892
		1308		0.0512			538		0.0381

1	2	3	4	5	1	2	3	4	5
Unnao	Purva	Sarwan	536	0.0032	Unnao	Purva	Barua	506	0.5252
			534	0.2802			Khurd	488	0.0697
			535	0.0341				490	0.0145
			530	0.0211				487	0.0814
			549	0.0402				433	0.0242
			550	0.1242				432	0.4420
			563	0.0231				439	0.0465
			565	0.0542				440	0.0291
			566	0.0362				441	0.1744
			569	0.0021				445	0.2596
			495	0.0412				444	0.0436
			488	0.0212				108	0.0271
			486	0.0271				113	0.0698
			485	0.0221				119	0.0174
			570	0.1252				109	0.0349
			1417	0.0012				117	0.0407
			1373	0.0652				99	0.0232
			335	0.0012				100	0.1300
			338	0.0012				103	0.1404
			863	0.0641				104	0.0116
			341	0.0022				84	0.1352
			532	0.0012				81	0.1627
			551	0.0013				51	0.0581
			506	0.0011				15	0.0465
			496	0.0222				14	0.0349
			481	0.0012				16	0.0233
			483	0.0282				12	0.0116
			1399	0.0011				Total	2.6776
			965	0.1322					
			963	0.0671			Sarbaiya	223	0.0032
			347	0.0021				B	0.0072
			360	0.0011				225	0.0260
			861	0.0021				213	0.0416
			543	0.0122				211	0.0040
			567	0.0012				212	0.0650
			568	0.0022				209	0.1144
			1228	0.0011				222/224	0.0220
			493	0.0012				A	0.0364
			Total	3.6218				191	0.1040
								199	0.0096

1	2	3	4	5	1	2	3	4	5
Unnao	Purva	Sarbalya	188	0.0600	Unnao	Purva	Samadha	1589	0.1453
			185	0.0520				1351	0.0814
			186	0.0390				1335	0.0407
			187	0.0312				1334	0.06626
		C		0.0208				1332	0.0378
		D		0.1092				<u>Total</u>	<u>3.5361</u>
			105	0.0328			Shivgarh	384	0.0884
			110	0.0192				385	0.1279
			111	0.0299				383	0.0232
			112	0.0442				387	0.0145
			102	0.0544				378	0.0232
			107	0.0520				372	0.2092
			106	0.0080				373	0.0407
			<u>Total</u>	<u>0.9861</u>				374	0.0523
	Samadha	2451	0.1279					157	0.0108
		2445	0.1453					155	0.0837
		2447	0.0102					154	0.0106
		2395	0.1511					153	0.0756
		2394	0.1513					149	0.0581
		2393	0.0465					146	0.1627
		2389	0.2061					131	0.1395
		2388	0.0988					129	0.0349
		2387	0.0523					126	0.0930
		2386	0.0581					127	0.1104
		2373	0.0232					112	0.0756
		2371	0.0639					110	0.2074
		2372	0.0349					113	0.1105
		2357	0.0320					109	0.0348
		2358	0.2151				<u>Total</u>	<u>1.8470</u>	
		2354	0.1570			Sikri	308/4	0.0624	
		2355	0.0194				308/3	0.0520	
		1627	0.1860				308/2	0.0160	
		1628	0.1424				307/2	0.0016	
		1621	0.1280				307/3	0.0364	
		1620	0.0116				307/8	0.0182	
		1349	0.1482				307/10	0.0409	
		1597	0.0232				307/9	0.0048	
		1568	0.0116				307/12	0.0044	
		1595	0.0872				307/13	0.0234	
		1594	0.1686				307/14	0.0442	
		1593	0.0581				307/16	0.0078	
		1588	0.0103						

1	2	3	4	5	1	2	3	4	5
Unnao	Purva	Sikri	306/5	0.1820	Unnao	Purva	Semri	494	0.1279
			306/4	0.0182				495	0.0424
			306/2	0.1118				493	0.1162
			306/1	0.0124				497	0.698
			284/1	0.0156				490	0.0523
			283/1	0.0468				491	0.0349
			283/2	0.0494				473	0.4069
			283/4	0.0572				474	0.0252
			283/5	0.0520				467	0.0929
			283/7	0.0702				468	0.2209
			282	0.0078				420	0.0523
			281/7	0.0676				425	0.1627
			281/5	0.0104				426	0.0814
			272	0.0832				Total	3.7644
			273	0.0208				Neemtikar	108
			271	0.0208					0.0939
			268	0.0572					124
			269	0.0078					56
			कुल	.1.2613					0.0078
			466	0.0581					126
			472	0.0639					123
			474	0.0348					0.0407
			473	0.0320					0.0872
			476	0.0160					122
			475	0.1046					0.0698
			668	0.0581					120
			477	0.0639					0.1279
			678	0.1162					121
			679	0.1744					136
			680	0.1802					0.1627
			681	0.0103					136
			683	0.2620					0.1453
			682	0.0581					165
			684	0.2441					0.1744
			770	0.1569					78
			769	0.1162					0.4127
			768	0.0232					74
			773	0.0697					0.0120
			785	0.0291					77
			781	0.1744					0.0174
			782	0.1627					76
			784	0.0697					0.2325
									119
									0.0120
									116
									0.0650
									0.1861
									75
									0.0756
									54
									0.0378
									38
									0.2058
									39
									0.1397
									05
									0.0639
									09
									0.0465
									10
									0.1627
									14
									0.0208
									08
									0.1861
									01
									0.0016
									02
									0.0104
								Total	2.8384

1	2	3	4	5	1	2	3	4	5
Unnao	Purva	Chaupai	257	0.0195	Unnao	Purva	Biloura	174	0.0676
		256		0.1352				172	0.0728
		254		0.1430				161	0.1248
		276		0.0232				160	0.0676
		253		0.0080				134	0.0104
		271		0.0988				122	0.0624
		272		0.0494				123	0.0468
		243		0.2340				118	0.0145
		291		0.0407				125	0.1664
		241		0.0381				Nala	0.0052
		242		0.0106				126	0.0468
		240		0.0814				53	0.1092
		296		0.0465				51	0.1170
		297		0.1820				57	0.0650
		305		0.0523				46	0.0407
		304		0.1924				52	0.0103
		314		0.0639				54	0.0640
		316		0.0378				38	0.0104
		313		0.0387				39	0.0988
		315		0.0832				26	0.0530
		328		0.0931				Nala	0.0530
		194		0.0349				14	0.1248
		114		0.0520				15	0.0780
		193		0.1300				10	0.0048
		194		0.0156				09	0.0507
		320		0.0468				Total	1.8156
		113		0.0260					
		118		0.0291		Dundiathar		127	0.0988
		115		0.0932				126	0.0080
		116		0.0520				125	0.0416
		62		0.1040				124	0.1040
		61		0.0103				34	0.0338
		57		0.0832				123	0.0102
		55		0.1040				122	0.0728
		54		0.0468				121	0.0520
		59		0.0052				120	0.1248
		Total		2.4802				Nala	0.0320
	Biloura	187		0.1040				40	0.0109
		186		0.0520				41	0.0260
		185/923		0.0523				44	0.0468
		170		0.0103				45	0.0520
		175		0.0320				46	0.1170

1	2	3	4	5
Unnao	Purva	Dundiathar	55	0.1144
			60	0.0936
			49	0.0581
			50	0.0756
			53	0.0520
		Total		1.2244
Gondowa		198		0.0520
		197		0.0416
		196		0.0780
		158		0.1040
		157		0.0364
		156		0.0104
		134		0.0260
		133		0.0260
		137		0.0520
		141		0.1040
		123		0.0032
		122		0.0676
		87		0.1040
		86		0.1196
		83		0.0610
		225		0.1040
		227		0.1560
		228		0.0676
		229		0.0780
		06		0.1248
		Total		1.4162

[F. No. L-14014/27/2003-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 22 जुलाई, 2003

का० आ० 2059.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में राष्ट्रीय गैस ग्रिड परियोजना के अधीन दहेज-हजीरा-उरान-थाबोल पाइपलाइन सैक्टर के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा अतिरिक्त पाइपलाइन बिछाने और सहयुक्त सुविधाओं की स्थापना के साथ एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाये जाने के सम्बन्ध में, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, 7वाँ तल, बी-विंग आरसीएफ, प्रियदर्शिनी बिल्डिंग, मुम्बई- 400 022 (महाराष्ट्र) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	खसरा नं०	अर्जित क्षेत्रफल (हेक्टेयर में)	
				1	2
ठाणे	कल्याण	रायते	99 पी	00.17.00	
			92/0 पी	00.04.00	
			93/0 पी	00.08.00	
			हायवे	00.06.00.	
			80/5 पी	00.01.00	
			80/6 पी	00.06.00	
			53/0 पी	00.03.00	
			नाला	00.08.00	
		टीटवाला	43 पी	00.24.00	
			रोड	00.03.00	
	राये	रोड	रोड	00.02.00	
	रुदे		87 पी	00.43.00	
			66/ए22/23/25	00.20.00	
	महस्तक	134 पी		00.30.00	
	घोडासंई	28 पी		00.02.00	
		56 पी		00.35.00	
अंबरनाथ	चिख-	54 पी		00.10.00	
	लोली	52 पी		00.72.00	
		32/3 पी		00.27.00	
		32/2 पी		00.26.00	
		32/1 पी		00.27.00	
		1/1 पी		00.15.00	
		162 पी		00.02.00	
		163/3 पी		00.05.00	

1	2	3	4	5	1	2	3	4	5
ठाणे	अंबरनाथ	चिखलोली	163/1 पी	00.32.00	ठाणे	अंबरनाथ	वाडी	18/3 पी	00.31.00
			163/2 पी	00.04.00				16 पी	00.04.00
			रेलवे	00.08.00				19 पी	00.07.00
			रा.महामार्ग	00.39.00				21/4 पी	40.02.00
			157 पी	00.42.00				20/1 पी	00.45.00
			147 पी	00.10.00				22/1 पी	00.20.00
			142/8 पी	00.02.00				23 पी	00.04.00
			142/7 पी	00.07.00				नाला	00.06.00
			144/1 पी	00.13.00				37 पी	00.23.00
			टी. लाइन	00.08.00				साखरोली	23/1 पी
			140 पी	00.23.00					00.36.00
			130 पी	00.10.00				23/2 पी	00.05.00
		कुशीवली	81/4 पी	00.23.00				21/0 पी	00.17.00
			80/3 पी	00.01.00				25/0 पी	00.01.00
			80/2	00.13.00				26/5 पी	00.26.00
			103 पी	00.05.00				27/0 पी	00.17.00
			68 पी	00.01.00				29/0 पी	00.77.00
			79/1 पी	00.56.00				32/4 पी	00.16.00
			81/3 पी	00.53.00				30/1 पी	00.09.00
			91/0 पी	00.28.00				मोरीनवली एमआईडीसी	00.42.00
			93/1 पी	00.26.00				आंधे	79/2
			रोड	00.07.00					00.10.00
			90/1 पी	00.16.00				79/3	00.15.00
			90/2 पी	00.13.00				74/पी	00.15.00
			90/4 पी	00.06.00				70/ए	00.27.00
			87/1 पी	00.16.00				26/2	00.22.00
			87/2 पी	00.09.00				23/पी	00.13.00
			86/5 पी	00.22.00				16/6	00.14.00
			86/6 पी	00.10.00				17/3	00.06.00
			86/3 पी	00.12.00				19/1	00.14.00
			86/1 पी	00.09.00				3/4/1	00.01.00
			85/2 पी	00.35.00				3/4/2	00.03.00
			85/1 पी	00.13.00				80/6	00.05.00
			80/3 पी	00.02.00				खरड	रेवर
		जाभिवली	एमआईडीसी	01.63.00					00.28.00
			वाडी	194 पी				आन्हे	2बी/पी
				00.15.00					00.01.00
				193 पी					59 पी
				00.33.00					00.02.00
				197 पी					59 पी
				00.16.00					00.01.00
				25 पी					पडघे
				00.02.00					24 पी
				26 पी					सोर
				00.05.00					40 पी
									40 ए पी
									00.10.00
									00.05.00

[फा. सं. एल-14014/27/2003-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 22nd July, 2003

S.O. 2059.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Dahej-Hazira-Uran-Dhabol Pipeline Sector under National Gas Grid Project in the State of Maharashtra, a pipeline with provision of laying additional pipelines and associated facilities should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under Sub-section 1 of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, GAIL (India) Limited, 7th Floor, B-Wing, RCF Priyadarshini Building, Mumbai-400 022 (Maharashtra).

SCHEDULE

District	Tehsil	Village	Survey No.	Area acquired (In hect.)
1	2	3	4	5
Thane	Kalyan	Rayte	99 P 92/0 P 93/0 P Highway 80/5 P 80/6 P 53/0 P Nala Titawala Road Raye Rundey 66/A22/23/25 Maskal Ghotsai	00.17.00 00.04.00 00.08.00 00.06.00 00.01.00 00.06.00 00.03.00 00.08.03 00.24.00 00.03.00 00.02.00 00.43.00 00.20.00 00.30.00 00.02.00 00.35.00

1	2	3	4	5
Thane	Amber nath	Chikha loli	54 P 52 P 32/3 P 32/2 P 32/1 P 1/1 P	00.10.00 00.72.00 00.27.00 00.26.00 00.27.00 00.15.00
			162 P	00.02.00
			163/3 P	00.05.00
			163/1 P	00.32.00
			163/2 P	00.04.00
			Railway	00.08.00
			N.H. Road	00.39.00
			157 P	00.42.00
			147 P	00.10.00
			142/8 P	00.02.00
			142/7 P	00.07.00
			144/1 P	00.13.00
			TR.Line	00.08.00
			140 P	00.23.00
			130 P	00.10.00
Kushi wali	81/4 80/3 P		81/4 80/2 103 P 68 P	00.23.00 00.01.00 00.13.00 00.05.00 00.01.00
			79/1 P	00.56.00
			81/3 P	00.53.00
			91/0 P	00.28.00
			93/1 P	00.26.00
			Road	00.07.00
			90/1 P	00.16.00
			90/2 P	00.13.00
			90/4 P	00.06.00
			87/1 P	00.16.00
			87/2 P	00.09.00
			86/5 P	00.22.00
			86/6 P	00.10.00
			86/3 P	00.12.00
			86/1 P	00.09.00
			85/2 P	00.35.00
			85/1 P	00.13.00
			80/3 P	00.02.00
Jamb. hivali	MIDC			01.63.00
	Wadi	194 P 193 P		00.15.00 00.33.00

1	2	3	4	5
Thane	Ambernath Jamb-	197 P	00.16.00	
	hivali	25 P	00.02.00	
	Wadi	26 P	00.05.00	
		18/3 P	00.31.00	
		16 P	00.04.00	
		19 P	00.07.00	
		21/4 P	40.02.00	
		20/1 P	00.45.00	
		22/1 P	00.20.00	
		23 P	00.04.00	
		NALA	00.06.00	
		37 P	00.23.00	
	Sakha-	23/1 P	00.36.00	
	roli	23/2 P	00.05.00	
		21/0 P	00.17.00	
		25/0 P	00.01.00	
		26/5 P	00.26.00	
		27/0 P	00.17.00	
		29/0 P	00.77.00	
		32/4 P	00.16.00	
		30/1 P	00.09.00	
	Mori-	MIDC	00.42.00	
	vali			
	Ambe	79/2	00.10.00	
		79/3	00.15.00	
		74/P	00.15.00	
		70/A	00.27.00	
		26/2	00.22.00	
		23/P	00.13.00	
		16/6	00.14.00	
		17/3	00.06.00	
		19/1	00.14.00	
		3/4/1	00.01.00	
		3/4/2	00.03.00	
		80/6	00.05.00	
	Khrad	River	00.28.00	
Bhi-	Anhe	2BP	00.01.00	
wandi		59P	00.02.00	
		59P	00.01.00	
	Padgde	24P	00.01.00	
	Sor	40P	00.10.00	
		40AP	00.05.00	

[F. No. L-14014/27/2003-G.P]

SWAMI SINGH, Director

नई दिल्ली, 22 जुलाई, 2003

का० आ० 2060.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में राष्ट्रीय गैस प्रिंड परियोजना के अधीन दहेज-हजीर-उरान-धाबोल पाइपलाइन सैक्टर के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा अतिरिक्त पाइपलाइन बिछाने और सहयुक्त सुविधाओं की व्यवस्था के साथ एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अंर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इकोसीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाये जाने के सम्बन्ध में, सक्षम प्रधिकारी, गेल (इण्डिया) लिमिटेड, 7 बाँ तल, बी-विंग आरसीएफ, प्रियदर्शिनी बिल्डिंग, मुम्बई- 400022 (महाराष्ट्र) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गांव	खसरा नं०	अर्जित क्षेत्रफल (हेक्टेयर में)	
				1	2
ठाणे	कल्याण	आपटी	78/3पी	00.03.00	
		(चोण)	66पी	00.01.00	
			30/2पी	00.03.00	
			82पी	00.15.00	
			नदी	00.51.00	
			जांभूल	36/2पी	00.05.00
			मोहोली	36/1-पी	00.17.00
				58पी	00.40.00
			वाहोली	69/1पी	00.38.00
	भिवंडी	खरीवली	47/7पी	00.10.00	
			किरवली	140/1पी	00.15.00
				140/2पी	00.07.00
				140/3पी	00.22.00
				140/4पी	00.11.00

1	2	3	4	5
ठाणे	भिंवडी	किखली	126/3पी	00.07.00
		126/4पी	00.03.00	
		102/2पी	00.27.00	
		102/3पी	00.06.00	
		82पी	00.87.00	
		133पी	00.01.00	
		118पी	00.03.00	
जाभीखली	60पी	00.05.00		
	44/5पी	07.07.00		
	71पी	00.08.00		
	37/1पी	00.08.00		
	37/2पी	00.05.00		
	37/3पी	00.25.00		
	29/0पी	00.15.00		
खलिंग	114/1पी	00.12.00		
बुद्रुक	114/2पी	00.01.00		
	19/2पी	00.30.00		

[फा. सं. एल-14014/27/2003-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 22nd July, 2003

S.O. 2060.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Dahej-Hazira-Utran-Dhabol Pipeline Sector under National Gas Grid Project in the State of Maharashtra, a pipeline with provision of laying additional pipelines and associated facilities should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, GAIL (India) Limited, 7th Floor, B-Wing, RCF Priyadarshini Building, Mumbai-400022 (Maharashtra).

SCHEDULE				
District	Tehsil	Village	Survey No.	Area acquired (In hect.)
1	2	3	4	5
Thane	Kalyan	Apti (Choun)	78/3P 66P	00.03.00 00.01.00
			30/2P	00.03.00
			82P	00.15.00
		River		00.51.00
	Jambul	36/2P		00.05.00
	Mohali	36.1-P		00.17.00
		58P		00.40.00
Bhiwandi	Vaholi	69/1P		00.38.00
	Khari- vali	47/7P		00.10.00
	Kirawali	140/1P		00.15.00
		140/2P		00.07.00
		140/3P		00.22.00
		140/4P		00.11.00
		126/3P		00.07.00
		126/4P		00.03.00
		102/2P		00.27.00
		102/3P		00.06.00
		82P		00.87.00
		133P		00.01.00
Jambhi- vali	118P			00.03.00
	60P			00.05.00
	44/5P			00.07.00
	71P			00.08.00
	37/1P			00.08.00
	37/2P			00.05.00
	37/3P			00.25.00
	29/0P			00.15.00
Khaling	114/1P			00.12.00
Budruk	114/2P			00.01.00
	19/2P			00.30.00

[F. No. L-14014/27/2003-G.P]

SWAMI SINGH, Director

नई दिल्ली, 22 जुलाई, 2003

का०आ० 2061.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में राष्ट्रीय गैस ग्रिड परियोजना के अधीन दहेज-हजीर-उरान-धाबोल पाइपलाइन सैक्टर के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा अतिरिक्त पाइपलाइन बिछाने और सहयुक्त सुविधाओं की व्यवस्था के साथ एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसन्धी में सर्वित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इककीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाये जाने के सम्बन्ध में, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, 7वाँ तल, बी-विंग आरसीएफ, प्रियदर्शनी बिल्डिंग, मुम्बई-400022 (महाराष्ट्र) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

[सं. सं. माल-14014/27/2003-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 22nd July, 2003

S.O. 2061.—Whereas it appears to the Central Government that it is necessary in the public interest that

for the transportation of natural gas through Dahej-Hazira-Uran-Dhabol Pipeline Sector under National Gas Grid Project in the State of Maharashtra, a pipeline with provision of laying additional pipelines and associated facilities should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under Sub-section, (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, GAIL (India) Limited, 7th Floor, B-Wing, RCF Priyadarshini Building, Mumbai- 400022 (Maharashtra).

SCHEDULE

District	Tehsil	Village	Survey No.	Area acquired (In hect.)		
			2	3	4	5
Raigad	Panvel	Nitlas	236P	00.04.00		
			235/1P	01.60.00		
			237 P	01.83.00		
			240 P	00.04.00		
			245 P	00.23.00		
			236/2 P	00.26.00		
			247 P	00.31.00		
			250 P	00.31.00		
			252 P	00.05.00		
			248/2 P	00.35.00		
			269 P	00.24.00		
			259 P	00.30.00		
			258 P	00.03.00		
			257 P	00.20.00		
			261 P	00.13.00		
			255 P	00.12.00		
		Morba	65 P	00.30.00		

[F. No. L-14014/27/2003, G.P]

SWAMI SINGH, Director

नई दिल्ली, 22 जुलाई, 2003

S. O. 2062.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जामनगर से मध्य प्रदेश राज्य में भोपाल तक पुनः गैसीकृत द्रवित प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन एंड इन्फ्रारस्ट्रक्चर कम्पनी लिमिटेड द्वारा जामनगर-भोपाल पाइपलाइन परियोजना के क्रियान्वयन के लिए पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आषय की घोशणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाई जाने के संबंध में श्री एन. एस. कनेश, सक्षम प्राधिकारी, जी० टी० आई०सी०एल० पाइपलाइन परियोजना, भू-तल, 24ए, चन्द्रनगर, ए० बी० रोड, इन्दौर-452008 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : सरदारपुर

जिला : धार

राज्य : मध्यप्रदेश

गांव का नाम

सर्वे नंबर

क्षेत्रफल

हेक्टेयर

आरे

सेन्टीयर

1	2	3	4	5
1. मौलाना	304	0	11	00
	112/2	0	44	75
	118	0	13	15
	119	0	30	70
	121	0	00	15
	122	0	05	00
	123	0	08	55
	124	0	07	90
	125	0	09	15
	51/2	0	03	85
	99	0	30	50
	72	0	27	00
	74	0	12	10
	81	0	14	45
	82	0	09	40
	83	0	08	90
	57/3	0	04	40
	58	0	19	70
	129	0	08	50
	130	0	13	10
	133	0	02	90
	132/3	0	12	30
	180	0	02	20
	246/1	0	30	00
	246/2	0	07	60
	251	0	02	95
	256	0	01	40
	248/2	0	10	90
	248/3	0	10	70
	249	0	00	70
	245	0	31	10

1	2	3	4	5
मौलाना (निरंतर)	227	0	32	25
	228	0	03	20
	229/13	0	18	10
	221	0	04	00
	229/1	0	14	00
	229/2	0	59	80
	218	0	00	50
	229/4	0	06	40
	209	0	02	10
	210	0	05	30
	195	0	01	30
	200/1	0	00	20
	200/2	0	07	20
	200/3	0	11	70
	198/2	0	53	15
	199	0	53	70
	198/1	0	31	20
	999/3	0	39	10
	999/2	0	14	20
	999/1	0	37	35
	998	0	05	55
	997	0	05	50
	1043	0	04	35
	1044	0	03	70
	1047	0	74	40
2. बोडिया	234	0	35	00
	233	0	10	90
	250	0	00	85
	249	0	65	45
	248	0	03	85
	246	0	07	20
	247	0	00	25
	244	0	27	10
	245	0	03	50
	277	0	11	20
	276	0	01	05
	275	0	01	60
	274	0	04	00

1	2	3	4	5
बोडिया (निरंतर)	273	0	04	75
	375	0	06	85
	373	0	21	10
	369	0	05	00
	370	0	22	15
	371	0	07	65
	365	0	35	30
	364	0	00	30
	358	0	04	55
	359	0	13	90
	361	0	05	00
	362	0	04	90
	360	0	08	65
	356	0	28	05
	352	0	17	30
	351	0	07	00
	354	0	06	30
	353	0	05	70
	480	0	08	65
	755	0	06	70
	756	0	02	50
	752	0	14	00
	741	0	15	05
	753	0	00	05
	751	0	17	90
	750	0	04	75
	749	0	24	85
	748	0	06	85
	765	0	11	45
	766	0	04	40
	767	0	17	35
	1067	0	13	25
	1068	0	00	75
	1066/1	0	17	65
	1065	0	05	00
	1064	0	53	65
	1153	0	11	50
	1155	0	30	85

1	2	3	4	5
बोडिया (निरंतर)	1139	0	08	60
	1156	0	10	50
	1138	0	04	45
	1136	0	09	70
	1137	0	03	70
	1159	0	05	70
	1160	0	05	60
	1161	0	07	80
	1135	0	08	70
	1134	0	04	70
	1133	0	05	55
	1126	0	03	00
	1132	0	08	85
	1127	0	01	75
	1128	0	12	35
	1129	0	07	15
	1130	0	02	60
	1249	0	02	20
	1248	0	19	00
	1243	0	10	40
	1244	0	10	90
	1242	0	01	80
	1240	0	27	55
	1241	0	00	25
	1239	0	38	85
	1236	0	18	05
	1258	0	60	35
	1259		08	65
	1260	0	07	45
	1275	0	26	45
	1276	0	03	35
	1278	0	10	75
	1459	0	13	60
	1515	0	08	20
	1514	0	00	70
	1513	0	05	70
	1512	0	02	60
	1516	0	02	50

[भाग II—खण्ड 3(ii)]

1	2	3	4	5
बोडिया (निरंतर)	1511	0	15	90
	1509	0	08	75
	1506/1/1	0	04	85
	1506/2	0	04	70
	1505	0	10	05
	1502	0	02	50
	1499	0	13	55
	1494	0	01	25
	1498	0	12	65
	1497	0	00	75
	1496	0	26	15
	1484	0	00	55
	1486	0	06	30
	1485	0	00	25
	1487	0	02	85
	1488	0	02	25
	1489	0	07	35
	1491/1	0	73	95
3. जौलाना	2466	0	87	95
	2448	0	09	30
	2461	0	00	60
	2460	0	02	50
	2459	0	00	85
	2453/1	0	00	40
	2458	0	37	40
	2457	0	60	75
	2481	0	03	45
	2482	0	22	05
	2483	0	01	45
	2484	0	28	95
	2485/1	0	31	80
	2485/2	0	18	10
	2489	0	03	00
	2496	1	58	35
	2495	0	03	25
	2503	0	00	75
	2497	0	01	00
	2511	0	02	55

1 जौलाना (निरंतर)	2	3	4	5
	2504	0	12	75
	2507/2	0	00	80
	2505	0	10	20
	2506/1	0	18	70
	2506/2	0	26	60
	2506/3	0	33	70
	2634	0	07	20
	2281/5	0	00	75
	2639	0	24	55
	2643	0	58	35
	2635	0	00	25
	2636	0	07	85
	2646	1	37	65
	2650	0	94	00
4. बरमखेडी	22/1	2	23	00
	22/5	0	26	75
	22/6	0	21	60
	30	0	05	30
	29/3	0	22	25
	28	0	05	85
	182	0	00	30
	181	0	05	65
	68/1	0	40	45
	68/2	0	04	60
	164	0	05	85
	167/2	0	03	60
	163	0	09	05
	165	0	16	45
	183	0	41	55
	476/1	0	25	95
	476/2	0	01	85
	475	0	04	05
	477/1	0	01	05
	477/2	0	17	15
	477/3	0	00	95
	478/1	0	17	50
	478/2	0	07	50
	473	0	05	80

1	2	3	4	5
बरमखेडी (निस्तर)	390/1	0	02	10
	390/2	0	09	40
	389/1	0	09	20
	389/2	0	11	20
	389/3	0	07	45
	389/4	0	10	00
	394	0	00	35
	395/1	0	09	55
	395/2	0	13	10
	396/1	0	08	60
	396/2	0	07	30
	396/3	0	08	55
	398	0	17	60
	384/1	0	36	25
	399	0	05	95
	381/1	0	22	15
	381/2	0	22	55
	379/2	0	10	90
	379/4	0	13	60
	378/1	0	19	80
	378/2	0	20	90
	377	0	00	90
	376/2	0	20	70
	375	0	07	50
	374	0	04	70
	357/1	0	16	80
	357/2	0	12	35
	357/3	0	02	55
	356/1	0	00	30
	356/2	0	14	10
	356/3	0	02	25
	354/2	0	02	40
	354/3	0	14	25
	354/4	0	02	90
	355/1	0	1	90
	310/1	0	03	50
	310/2	0	01	90
	310/3	0	01	25

1	2	3	4	5
बरमखेडी (निरंतर)	309/1	0	04	25
	309/2	0	04	55
	309/3	0	07	65
	308	0	00	30
	311	0	28	30
	314	0	27	50
	297/3	0	23	70
	290	0	12	65
	291	0	08	80
	292/1	0	01	65
5. सेमलखेडी खुद	18/1	0	08	30
	13/1	0	10	45
	13/2	0	12	45
	11	0	02	50
	14	0	00	05
	25/1	0	51	60
	25/2	0	28	50
	26	0	25	60
	39	0	00	30
	40	0	07	15
	41	0	10	10
	42	0	49	65
	44	0	11	55
	48/4	0	00	50
6. खूटपला	889	0	00	80
	896	0	05	25
	897	0	08	90
	899	0	31	95
	895	0	20	75
	894	0	17	00
	892/2	0	25	90
	901	0	03	40
	991	0	02	75
	990	0	22	75
	992/1	0	23	20
	992/2	0	05	65
	994	0	24	40
	995	0	00	45

1	2	3	4	5
खूटपला (निरंतर)	1005	0	16	30
	1009	0	10	30
	1010/1	0	17	90
	1010/2	0	03	35
	1011	0	03	45
	1023	0	14	25
	1022	0	24	40
	1031	0	26	60
	1030	0	03	20
	1033	0	28	20
	1038	0	13	75
	1048/1	0	02	10
	1048/2	0	05	15
	1048/3	0	10	50
	1047	0	08	70
	1046	0	11	30
	1044	0	19	65
	1055	0	16	80
	1070	0	12	40
	1069	0	03	00
	1092	0	21	05
	1091	0	04	40
	1090/1	0	07	30
	1090/2	0	03	65
	1090/3	0	00	05
	1087	0	02	80
	1088	0	05	35
	1089	0	09	40
	1079/1	0	21	55
	1079/2	0	04	60
	1078/1	0	01	70
	1078/2	0	04	40
	1240	0	03	10
	1136	0	18	60
	1137	0	22	90
	1169	0	14	65
	1172	0	00	15
	1170	0	15	05

1	2	3	4	5
खूटपला (निरंतर)	1171	0	12	45
	1175/1	0	05	65
	1175/2	0	04	40
	1168	0	05	40
	1165	0	02	40
	1164/1	0	11	85
	1164/2	0	13	00
	1164/3	0	04	30
	1419	0	00	10
	1420/1/1	0	07	60
	1420/1/2	0	12	05
	1420/2	0	04	70
	1156/2	0	07	60
	1421	0	03	15
	1422	0	02	90
	1424	0	08	95
	1423	0	02	75
	1425/1	0	03	95
	1425/2	0	17	80
	1427	0	14	20
	1429	0	05	90
	1394	0	43	55
	1432	0	02	50
	1436/1	0	11	60
	1436/2	0	00	30
	1393	0	08	30
	1392	0	18	85
	1388	0	02	00
	1378	0	02	65
	1379/1	0	09	55
	1379/2	0	04	35
	1385/1	0	00	05
	1385/2	0	02	55
	1385/3	0	08	10
	1382	0	01	70
	1383	0	05	30
	1387	0	05	95
	1465	0	03	25

1	2	3	4	5
खूंटपला (निरंतर)	1466	0	02	95
	1464	0	05	10
	1467	0	12	05
	1468	0	05	00
	1469	0	00	05
	1536	0	04	65
	1470	0	21	35
	1471	0	19	90
	1474	0	22	00
	1473	0	00	05
	1476/1	0	00	05
	1476/2	0	00	70
	1491/1905	0	16	20
	1481/1	0	05	10
	1481/2	0	04	00
	1482	0	19	75
	1483	0	04	90
	1484	0	04	65
	1485	0	06	05
7. बणी	622	0	01	50
	619	0	14	25
	620	0	07	15
	621	0	49	85
	615	0	04	05
	642	0	18	45
	643	0	03	00
	645	0	00	25
	646	0	06	85
	647	0	04	80
	648	0	33	90
	649	0	23	50
	650	0	01	30
	602	0	00	10
	663	0	05	05
	662	0	02	85
	664	0	02	10
	600	0	13	50
	670	0	13	80

1	2	3	4	5
बणी (निरतर)	671	0	09	00
	673	0	01	00
	674	0	28	10
	690	0	09	55
	691	0	10	75
	689	0	04	75
	692/1	0	21	80
	692/2	0	07	30
	692/3	0	26	15
	692/4	0	04	75
	692/8	0	10	85
	695	0	12	85
	694	0	04	65

[फा. सं. एल.-14014/34/2001-जी.पी.(भाग-1)]

स्वामी सिंह, निदेशक

New Delhi, 22nd July, 2003

का. आ. 2062.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the regassified Liquefied natural gas from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh a pipeline should be laid by Gas Transportation and Infrastructure Company Limited for implementing Jamnagar-Bhopal pipeline project.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user (ROU) in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub- section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri N.S.Kanesh, Competent Authority, Gas Transportation and Infrastructure Company Limited Pipeline Project, Ground floor, 24-A Chandra Nagar, A.B.Road, Indore-452008.

SCHEDULE**Tehsil : Sardarpur****District : Dhar****State: Madhya Pradesh****Name of the Village****Survey No.**

		AREA		
		Hectare	Are	C-Are
1	2	3	4	5

1. MOULANA

304		0	11	00
112/2		0	44	75
118		0	13	15
119		0	30	70
121		0	00	15
122		0	05	00
123		0	08	55
124		0	07	90
125		0	09	15
51/2		0	03	85
99		0	30	50
72		0	27	00
74		0	12	10
81		0	14	45
82		0	09	40
83		0	08	90
57/3		0	04	40
58		0	19	70
129		0	08	50
130		0	13	10
133		0	02	90
132/3		0	12	30
180		0	02	20
246/1		0	30	00
246/2		0	07	60
251		0	02	95
256		0	01	40
248/2		0	10	90
248/3		0	10	70
249		0	00	70
245		0	31	10

1	2	3	4	5
MOULANA (Cont'd)				
	227	0	32	25
	228	0	03	20
	229/13	0	18	10
	221	0	04	00
	229/1	0	14	00
	229/2	0	59	80
	218	0	00	50
	229/4	0	06	40
	209	0	02	10
	210	0	05	30
	195	0	01	30
	200/1	0	00	20
	200/2	0	07	20
	200/3	0	11	70
	198/2	0	53	15
	199	0	53	70
	198/1	0	31	20
	999/3	0	39	10
	999/2	0	14	20
	999/1	0	37	35
	998	0	05	55
	997	0	05	50
	1043	0	04	35
	1044	0	03	70
	1047	0	74	40
2. BODIYA				
	234	0	35	00
	233	0	10	90
	250	0	00	85
	249	0	65	45
	248	0	03	85
	246	0	07	20
	247	0	00	25
	244	0	27	10
	245	0	03	50
	277	0	11	20
	276	0	01	05
	275	0	01	60
	274	0	04	00

1	2	3	4	5
BODIYA (Cont'd)				
	273	0	04	75
	375	0	06	85
	373	0	21	10
	369	0	05	00
	370	0	22	15
	371	0	07	65
	365	0	35	30
	364	0	00	30
	358	0	04	55
	359	0	13	90
	361	0	05	00
	362	0	04	90
	360	0	08	65
	356	0	28	05
	352	0	17	30
	351	0	07	00
	354	0	06	30
	353	0	05	70
	480	0	08	65
	755	0	06	70
	756	0	02	50
	752	0	14	00
	741	0	15	05
	753	0	00	05
	751	0	17	90
	750	0	04	75
	749	0	24	85
	748	0	06	85
	765	0	11	45
	766	0	04	40
	767	0	17	35
	1067	0	13	25
	1068	0	00	75
	1066/1	0	17	65
	1065	0	05	00
	1064	0	53	65
	1153	0	11	50
	1155	0	30	85

1	2	3	4	5
BODIYA (Cont'd)				
	1139	0	08	60
	1156	0	10	50
	1138	0	04	45
	1136	0	09	70
	1137	0	03	70
	1159	0	05	70
	1160	0	05	60
	1161	0	07	80
	1135	0	08	70
	1134	0	04	70
	1133	0	05	55
	1126	0	03	00
	1132	0	08	85
	1127	0	01	75
	1128	0	12	35
	1129	0	07	15
	1130	0	02	60
	1249	0	02	20
	1248	0	19	00
	1243	0	10	40
	1244	0	10	90
	1242	0	01	80
	1240	0	27	55
	1241	0	00	25
	1239	0	38	85
	1236	0	18	05
	1258	0	60	35
	1259	0	08	65
	1260	0	07	45
	1275	0	26	45
	1276	0	03	35
	1278	0	10	75
	1459	0	13	60
	1515	0	08	20
	1514	0	00	70
	1513	0	05	70
	1512	0	02	60
	1516	0	02	50

1	2	3	4	5
BODIYA (Cont'd)	1511	0	15	90
	1509	0	08	75
	1506/1/1	0	04	85
	1506/2	0	04	70
	1505	0	10	05
	1502	0	02	50
	1499	0	13	55
	1494	0	01	25
	1498	0	12	65
	1497	0	00	75
	1496	0	26	15
	1484	0	00	55
	1486	0	06	30
	1485	0	00	25
	1487	0	02	85
	1488	0	02	25
	1489	0	07	35
	1491/1	0	73	95
3. JOULANA	2466	0	87	95
	2448	0	09	30
	2461	0	00	60
	2460	0	02	50
	2459	0	00	85
	2453/1	0	00	40
	2458	0	37	40
	2457	0	60	75
	2481	0	03	45
	2482	0	22	05
	2483	0	01	45
	2484	0	28	95
	2485/1	0	31	80
	2485/2	0	18	10
	2489	0	03	00
	2496	1	58	35
	2495	0	03	25
	2503	0	00	75
	2497	0	01	00
	2511	0	02	55

1	2	3	4	5
JOULANA (Cont'd)	2504	0	12	75
	2507/2	0	00	80
	2505	0	10	20
	2506/1	0	18	70
	2506/2	0	26	60
	2506/3	0	33	70
	2634	0	07	20
	2281/5	0	00	75
	2639	0	24	55
	2643	0	58	35
	2635	0	00	25
	2636	0	07	85
	2646	1	37	65
	2650	0	94	00
4. BARAMKHEDI	22/1	2	23	30
	22/5	0	26	75
	22/6	0	21	60
	30	0	05	30
	29/3	0	22	25
	28	0	05	85
	182	0	00	30
	181	0	05	65
	168/1	0	40	45
	168/2	0	04	60
	164	0	05	85
	167/2	0	03	60
	163	0	09	05
	165	0	16	45
	183	0	41	55
	476/1	0	25	95
	476/2	0	01	85
	475	0	04	05
	477/1	0	01	05
	477/2	0	17	15
	477/3	0	00	95
	478/1	0	17	50
	478/2	0	07	50
	473	0	05	80

1	2	3	4	5
BARAMKHEDI (Cont'd)	390/1	0	02	10
	390/2	0	09	40
	389/1	0	09	20
	389/2	0	11	20
	389/3	0	07	45
	389/4	0	10	00
	394	0	00	35
	395/1	0	09	55
	395/2	0	13	10
	396/1	0	08	60
	396/2	0	07	30
	396/3	0	08	55
	398	0	17	60
	384/1	0	36	25
	399	0	05	95
	381/1	0	22	15
	381/2	0	22	55
	379/2	0	10	90
	379/4	0	13	60
	378/1	0	19	80
	378/2	0	20	90
	377	0	00	90
	376/2	0	20	70
	375	0	07	50
	374	0	04	70
	357/1	0	16	80
	357/2	0	12	35
	357/3	0	02	55
	356/1	0	00	30
	356/2	0	14	10
	356/3	0	02	25
	354/2	0	02	40
	354/3	0	14	25
	354/4	0	02	90
	355/1	0	1	90
	310/1	0	03	50
	310/2	0	01	90
	310/3	0	01	25

1	2	3	4	5
BARAMKHEDI (Cont'd)	309/1	0	04	25
	309/2	0	04	55
	309/3	0	07	65
	308	0	00	30
	311	0	28	30
	314	0	27	50
	297/3	0	23	70
	290	0	12	65
	291	0	08	80
	292/1	0	01	65
5. SEMALKHEDI KHURD	18/1	0	08	30
	13/1	0	10	45
	13/2	0	12	45
	11	0	02	50
	14	0	00	05
	25/1	0	51	60
	25/2	0	28	50
	26	0	25	60
	39	0	00	30
	40	0	07	15
	41	0	10	10
	42	0	49	65
	44	0	11	55
	48/4	0	00	50
6. KHUNTPALA	889	0	00	80
	896	0	05	25
	897	0	08	90
	899	0	31	95
	895	0	20	75
	894	0	17	00
	892/2	0	25	90
	901	0	03	40
	991	0	02	75
	990	0	22	75
	992/1	0	23	20
	992/2	0	05	65
	994	0	24	40
	995	0	00	45
	1005	0	16	30
	1009	0	10	30
	1010/1	0	17	90
	1010/2	0	03	35
	1011	0	03	45

1	2	3	4	5
KHUNTPALA (Cont'd)				
	1023	0	14	25
	1022	0	24	40
	1031	0	26	60
	1030	0	03	20
	1033	0	28	20
	1038	0	13	75
	1048/1	0	02	10
	1048/2	0	05	15
	1048/3	0	10	50
	1047	0	08	70
	1046	0	11	30
	1044	0	19	65
	1055	0	16	80
	1070	0	12	40
	1069	0	03	00
	1092	0	21	05
	1091	0	04	40
	1090/1	0	07	30
	1090/2	0	03	65
	1090/3	0	00	05
	1087	0	02	80
	1088	0	05	35
	1089	0	09	40
	1079/1	0	21	55
	1079/2	0	04	60
	1078/1	0	01	70
	1078/2	0	04	40
	1240	0	03	10
	1136	0	18	60
	1137	0	22	90
	1169	0	14	65
	1172	0	00	15
	1170	0	15	05
	1171	0	12	45
	1175/1	0	05	65
	1175/2	0	04	40
	1168	0	05	40
	1165	0	02	40
	1164/1	0	11	85
	1164/2	0	13	00
	1164/3	0	04	30
	1419	0	00	10

1	2	3	4	5
KHUNTPALA (Cont'd)				
	1420/1/1	0	07	60
	1420/1/2	0	12	05
	1420/2	0	04	70
	1156/2	0	07	60
	1421	0	03	15
	1422	0	02	90
	1424	0	08	95
	1423	0	02	75
	1425/1	0	03	95
	1425/2	0	17	80
	1427	0	14	20
	1429	0	05	90
	1394	0	43	55
	1432	0	02	50
	1436/1	0	11	60
	1436/2	0	00	30
	1393	0	08	30
	1392	0	18	85
	1388	0	02	00
	1378	0	02	65
	1379/1	0	09	55
	1379/2	0	04	35
	1385/1	0	00	05
	1385/2	0	02	55
	1385/3	0	08	10
	1382	0	01	70
	1383	0	05	30
	1387	0	05	95
	1465	0	03	25
	1466	0	02	95
	1464	0	05	10
	1467	0	12	05
	1468	0	05	00
	1469	0	00	05
	1536	0	04	65
	1470	0	21	35
	1471	0	19	90
	1474	0	22	00
	1473	0	00	05
	1476/1	0	00	05
	1476/2	0	00	70
	1491/1905	0	16	20

1	2	3	4	5
	1481/1	0	05	10
	1481/2	0	04	00
	1482	0	19	75
	1483	0	04	90
	1484	0	04	65
	1485	0	06	05
	622	0	01	50
7. BANI	619	0	14	25
	620	0	07	15
	621	0	49	85
	615	0	04	05
	642	0	18	45
	643	0	03	00
	645	0	00	25
	646	0	06	85
	647	0	04	80
	648	0	33	00
	649	0	23	50
	650	0	01	30
	602	0	00	10
	663	0	05	05
	662	0	02	85
	664	0	02	10
	600	0	13	50
	670	0	13	80
	671	0	09	00
	673	0	01	00
	674	0	28	10
	690	0	09	55
	691	0	10	75
	689	0	04	75
	692/1	0	21	80
	692/2	0	07	30
	692/3	0	26	15
	692/4	0	04	75
	692/8	0	10	85
	695	0	12	85
	694	0	04	65

श्रम मंत्रालय

नई दिल्ली, 25 जून, 2003

का. आ. 2063.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खादी एवं विलेज इण्डस्ट्रीज कमीशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चांडीगढ़ के पंचाट (संदर्भ संख्या 52/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-42012/81/97-आई.आर.(डी.यू.)]

बी. एम. डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 25th June, 2003

S.O. 2063.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 52/98) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Khadi & Village Industries Commission and their workman, which was received by the Central Government on 25-6-2003.

[No. L-42012/81/97-IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer : Shri S. M. Goel

Case No. ID 52/98

Sh. Pawan Kumar S/o Sh. Dewa Singh R/o Kamalpur Rorar, P.O. Sangohar, Distt. Karnal-132001.

...Applicant.

V/S

The Director, Bhartiya Charami Udyog Common Facility Centre and Khadi and Village Industrial Commission, Sadar Bazar, Karnal-132001.

...Respondent.

REPRESENTATIVES:

For the workman : Sh. Ram Chander

For the management : Sh. S.P. Sharma

AWARD

(Passed on 22-05-2003)

The Central Govt. Ministry of Labour vide Notification No. L-42012/81/97-IR(DU) dated 18th February, 1998 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Khadi & Village Industries Commission in terminating the service of Shri Pawan Kumar—Jeep Driver w.e.f. 21-12-1995 is just and legal? If not, to what relief the workman is entitled?”

2. In the claim statement it is pleaded by the workman that he was appointed as Driver with the management and worked w.e.f. 19-11-92 to 17-12-1993 and from 9-12-1994 to 21-12-1995. His services were terminated illegally on 21-12-1995 without payment of retrenchment compensation and no notice or notice pay was given to the workman although he had completed more than 240 days in a calendar year. The workman has prayed that he be reinstated in service with continuity and full backwages.

3. In the written statement the Management has pleaded that the applicant worked on the basis of needs and availability of job in terms with the workman's own request. After 21-12-1995 the work was not available and even after that the work of Driver was not available. The Management has not terminated his services but as the work was not available he was not given any job of Driver after that. The Management has prayed for the rejection of the reference.

4. In evidence the applicant filed his own affidavit Ex. W1. He has also admitted the documents Ex. M1 to Ex. M. 8A, the applicants of the workman for the post of Driver. In rebuttal the management produced Sh. Jai Dev, who filed his affidavit Ex. M9 and documents Ex. M10 to Ex. M18. He has admitted in cross-examination that the Jeep on which the workman was working as Driver available in the office from 21-12-1995 to 28-9-1997.

5. I have heard the Learned Counsel for the party and have also gone through the evidence and record of the case. It is admitted case of the party that the workman worked with the management from 19-11-92 to 27-12-1993 and after that from 9-11-1994 to 21-12-1995 and completed more than 240 days of continuous service in one calendar year immediately preceding the date of termination i.e. 21-12-1995. It is also admitted position that no retrenchment compensation and notice or notice pay was given to the workman at the time of termination of the service of the workman. The plea taken by the Management that the Licence of the applicant was false and it was argued that the work was not available hold no ground as it is admitted by the witness of the Management that Jeep was available even after the termination of the workman on 21-12-1995 and remained there upto 28-9-1997. The argument of the Learned counsel for the management is that the driving licence was forged and the applicant played a fraud with the Management cannot be accepted as no inquiry had been conducted by the Management especially when the applicant has put in more than 240 days of service with the Management. In my considered opinion the Management has violated the mandatory provisions of the Section 25F of the I.D. Act, 1947.

6. The Learned Counsel for the Management has drawn my attention to the judgment of the Hon'ble Supreme Court of India reported in 1997 (2) RSJ 602 and 1992 (1) RSJ 723 the Judgement of Hon'ble Punjab and Haryana High Court. I have gone through the judgements. These judgements relate to the regularisation and not regarding termination of services.

7. In view of the discussion made in the earlier paras, the action of the management in terminating the services of the workman is illegal. The workman is ordered to be reinstated in service with continuity of service but without backwages as the end of the justice would be met if the workman is allowed Rs. 3000/- as compensation in lieu of backwages. The management would be at liberty to disengage the workman after complying with the provisions of the I.D. Act, 1947. The reference is answered accordingly. Central Government be informed.

Chandigarh

Dated 22-05-2003

S.M. GOEL, Presiding Officer

नई दिल्ली, 25 जून, 2003

का. आ. 2064.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 47/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-40012/283/2001-आई आर(डीयू)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2003

S.O. 2064.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 47/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 25-06-2003.

[No. L-40012/283/2001-IR (DU)]
B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

PRESIDING OFFICER : Shri S. M. Goel

Case No. ID 47/2002

Sh. Kuldeep Sharma S/o Sh. Raj Kumar Sharma
H. No. 1207-F, Sector 7-B, Chandigarh-160001.

...Applicant.

V/S.
The Principal General Manager, Telecom.

Telephone Deptt. Sector 18-A, Chandigarh. 160001

...Respondent.

REPRESENTATIVES

For the Workman : None

For the Management : Sh. G.C. Babbar.

AWARD

(Passed on 3rd June, 2003)

The Central Govt. Ministry of Labour vide Notification No. L-40012/283/2001-IR (DU) dated 5th Feb., 2002 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of the Department of Telecom., Chandigarh in terminating the services of Sh. Kuldeep Sharma S/o Sh. Raj Kumar Sharma, Ex-peon w.e.f. 27-2-99 is just and legal ? If so to what relief the workman is entitled ?”

2. None appeared on behalf of the workman. It appears that the workman is not interested to pursue with the present reference. In view of the above, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed.

Chandigarh

Dated 3-6-2003 S.M. GOEL, Presiding Officer

नई दिल्ली, 25 जून, 2003

का. आ. 2065.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 50/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-40012/301/2001-आईआर(डीयू)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2003

S.O. 2065.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workman, which was received by the Central Government on 25-06-2003.

[No. L-40012/301/2001-IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH****Presiding Officer :** SHRI S. M. GOEL

Case No. I.D 50/2k2

Smt. Anu Bala W/o Sh. Kulwant, Naya Gaon
Dashmesh Nagar, H. No. 33-A.T. Khara Singh,
Ropar-140001.

...Applicant

V/s.

The Principal General Manager, Telecom.
Telephone Deptt. Sector-18-A Chandigarh. 160001

...Respondent

REPRESENTATIVES

For the workman : None

For the management : Sh. G.C. Babbar

AWARD

(Passed on 3rd June, 2003)

The Central Govt. Ministry of Labour vide Notification No. L-40012/301/2001-IR (DU) dated 5th Feb., 2002 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Department of Telecom. Chandigarh in terminating the services of Smt. Anu Bala W/o Sh. Kulwant w.e.f. 28-2-99 is just and legal ? If so to what relief the workman is entitled?”

2. None appeared on behalf of the workman. It appears that workman is not interested to purpose with the present reference. In view of the above, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed.

Chandigarh.

Dated : 3-6-2003

S.M. GOEL, Presiding Officer

नई दिल्ली, 25 जून, 2003

का. आ. 2066.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चाणडीगढ़ के पंचाट (संदर्भ संख्या 128/92) को “प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-42012/174/91-आई.आर.(डी.यू.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2003.

S.O. 2066.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 128/92) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.B.M.B. and their workman, which was received by the Central Government on 25-06-2003.

[No. L-42012/174/91-IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH****Presiding Officer :** SHRI S. M. GOEL

Case No. I. D. 128/92

Sh. Vivek Kumar Sharma C/o Sh. R.K. Singh,
President, Nangal Bhakra Mazdoor Sangh, Nangal
Township, Distt. Ropar (Pb.) 140124.

...Applicant

V/s

Chief Engineer, Bhakra Dani, Bhakra Beas Management Board, Nangal Township, Distt. Ropar (Pb.) 140124

...Respondent

REPRESENTATIVES

For the Workman : Sh. R.K. Singh

For the Management : Sh. R.C. Atri

AWARD

(Passed on 4-6- 2003)

The Central Govt. Ministry of Labour vide Notification No. L-42012/174/91-IR (DU) dated 30th September, 1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Chief Engineer B.B.M.B. Nangal Township in terminating the services of Shri Vivek Kumar Sharma, S/o Sh. Ramesh Chander Sharma, Research Asstt. in Hydrology Division w.e.f. 31-3-89 is legal and justified ? If so to what relief the concerned workman is entitled to and from what date ?”

2. It is pleaded in the claim statement that the applicant was appointed as Research Asstt. on regular basis w.e.f. 10-10-1988 and was continuously employed till 31-3-89 when his services were terminated to accommodate Shri Surjit Singh Kang as his father was Stenographer to

the Director. No notice of ten days was given as required under the certified standing orders. It is further pleaded that the applicant possessed Diploma in the respective Trade of Statistics and Sh. Surjit Singh Kang does not possess the requisite qualification for Research Asstt. He has thus prayed for his reinstatement in service with full back wages and other benefits.

3. The Management in the written statement pleaded that the applicant who was B.Sc. third division was appointed Research Asstt. Grade B as a stop gap arrangement purely on temporary basis for a specified period of one month with the condition that his services are liable to be terminated even earlier at any time without any notice or will automatically be terminated after the expiry of this period. It is further pleaded that the applicant was again re-appointed from 16-11-88 to 31-12-88 and 3-1-89 to 31-3-89 on the similar term and condition. On the expiry of last period he was not given re-appointment. Surjit Singh Kang fulfilled the requisite qualification i.e. Ist Class graduate in Engineering Science till that date as regular Research Asstt. he was posted by the partner state. It is further pleaded that no notice or any re-trenchment compensation was required to be paid to the workman as his appointment was strictly under section 2(oo) (bb) of the ID Act. It is prayed that the workman is not entitled for any reinstatement in service and his reference is deserves rejection.

4. Replication was also filed his reiterating the claim made in the claim statement.

5. In evidence the applicant filed his own affidavit as W.1 and certificate of Msc. W2. In rebuttal the management produced Avinash Chander as MW1 who filed his affidavit Ex. M5 and copy of appointment letter Ex. M6.

6. I have heard Ld. representatives of the parties and have also gone through the evidence and record of the case. EX. M2 and M3 are the appointment letters of the workman. EX. M2 clearly states that the post is for specific period for one month. EX. M3 another appointment letter also postulates that the offer is for specified period for 46 days from 16-11-88 to 31-12-88. Another appointment was given from 3-1-89 to 31-3-89, which was also for specific period. The appointment letters of the workman itself show that these are for specific period and he has not completed 240 days in one calandar year. The arguments of the Lt. representative of the workman that some other person was appointed by the management in his place has also have no base as the applicant had no right to the post as per the specific clause of the appointment letter and the qualifications & conditions attached with the post. In my considered opinion the case of the applicant is fully covered under the exclusion clause of (bb) of Section 2(oo) as it is a case of specific appointment for specific period. The applicant accepted these appointments without any reservation. Therefore, the applicant has no claim for the

post and the termination of the workman is justified.

7. In view of the above discussion there is no merit in the reference and the same is returned against the workman. Appropriate Authority may be informed.

CHANDIGARH.

S. M. GOEL, Presiding Officer.

नई दिल्ली, 25 जून, 2003

का. आ. 2067.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 136/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-42012/83/92-आई.आर.(डी.यू.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2003

S.O. 2067.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 136/93) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.B.M.B. and their workman, which was received by the Central Government on 25-06-2003.

[No. L-42012/83/IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer : SHRI S. M. GOEL

Case No. I. D. 136/93

The President, Nangal Bhakra Mazdoor Sangh, Nangal Township, Distt. Ropar (Pb.)

...Applicant

V/s.

Chief Engineer, Bhakra Beas Management Board, Nangal Township, Distt. Ropar (Pb.)

...Respondent

REPRESENTATIVES

For the Workman : Sh. R.K. Singh

For the Management : Sh. R.C. Sharda

AWARD

(Passed on 4-6- 2003)

The Central Govt. Ministry of Labour vide Notification No. L-42012/83/92-IR (DU) dated 20th October, 1993 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Chief Engineer, Bhakra Dam, B.B.M.B. Nangal Township Distt. Ropar in retrenching Shri P. S. Saine, work Munshi w.e.f. 5-9-90 is legal and justified? If not, to what relief the concerned workman is entitled and from what date?"

2. In the claim statement it is pleaded that applicant was employed as unskilled mazdoor on daily wages w.e.f. 16-5-89 and w.e.f. 1-6-89 he was enrolled as work Munshi and employed till 5-9-90 continuously. He was not given one month notice or notice pay before termination of services. Retrenchment compensation was also not paid. Many persons were appointed and juniors were retained in service. It is prayed that his termination be declared illegal and he be reinstated in services with full back wages and other benefits.

3. In the written statement the management has taken the plea that a policy was framed in view of the judgement of the Hon'ble H.P. High Court in Civil Writ Petition 27/88 Ram Piari and others V/s. B.B.M.B. and it is decided that seniority of regular labour force is to be maintained division wise and the workman was retrenched due to reduction in quantum of work and retrenchment compensation was also paid to the workman. The workman remained absent from duty during 2/90 and 5/90 for two days. It is further pleaded that Prem Singh was working as work Munshi till 30-4-90 and not July 1990. One month notice was served vide letter dated 6-8-90. It is also pleaded that three Safai Sewaks were promoted as work Munshi and they were senior most in the category of the Safai Sewak. It is thus prayed by the management that there is no merit in the reference the same be rejected.

4. Rejoinder was also filed reiterating the claim made in the claim statement.

5. In evidence workman filed his affidavit Ex. W1 and also produced documents W2 to W4. In cross-examination he has admitted that he was running the public call office for about six months. In rebuttal the management produced Sh. M.G. Thakur as MW1 who filed his affidavit Ex. M1 and documents Ex. M2 to M6. In cross-examination it is admitted by the witness that retrenchment compensation amounting to Rs. 450/- was paid to the workman on 4-9-90.

6. I have heard the Ld. representatives of the parties and have also gone through the evidence and record of the case. It is admitted case of the parties that the workman continuously worked from 1-6-89 to 5-9-90 and has completed more than 240 days of service in one calendar year. Immediately preceding the date of the termination, undisputedly Rs. 450/- had been paid to the workman as retrenchment compensation. The workman worked with the management from 5-89 to 5-9-90 for 15 months and 21 days and thus he was entitled for compensation for about 17 and half days whereas he was paid compensation for 15 days only. It is argued by the Ld. representative of the workman that the payment of retrenchment compensation

is the pre condition for compliance of Section 25-F of the I.D. Act and once the compensation found to be invalid, the termination of service on account of less compensation should be declared as invalid. To my mind in the case in hand the less compensation was paid to the workman. The Ld. representative of the workman has also drawn my attention to the case Law of Andhra Pradesh High Court reported in Vol. 78 FJR page 314. Venurimukundam Vs. Management of Oasis School and others. It is held by the Hon'ble High Court of Andhra Pradesh that once the retrenchment is found to be invalid for non compliance with the provision of Section 25-F the ordinary and almost invariable rule is reinstatement of the workman. Following the law laid down in the above judgement it is held that the termination of the workman is illegal as full retrenchment compensation was not paid which amounts to violation of Section 25-F of the I.D. Act and the workman is entitled for reinstatement with continuity of service.

7. Regarding the claim of the back wages it is admitted case of the parties that the workman was working on daily wages and during the intervening period he opened his P.C.O. and worked there. Moreover the daily wages are not to be given wages for the period they have not worked with the management. Therefore, the workman is not entitled for any back wages from 5-9-90 onwards till his reinstatement.

8. In view of the above discussion the workman is ordered to be reinstated in service but without back wages as discussed in earlier paras. The reference is answered accordingly. Appropriate Authority may be informed.

CHANDIGARH.

DATED : 4-6-2003.

S. M. GOEL, Presiding Officer

नई दिल्ली, 25 जून, 2003

का.आ. 2068.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.बी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 40/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-42012/63/89 डी-2(बी)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2003

S.O. 2068.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 40/90) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in

the Industrial Dispute between the employers in relation to the management of B.C.B. and their workman, which was received by the Central Government on 25-6-2003.

[No. L-42012/63/89-D-2 (B)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer : Shri S. M. Goel

Case No. ID 40/90

Sh. Sarwan Singh S/o. Sh. Mansa Singh r/o village Nangal Dhakka, P.O. Baruna, Tehsil Nalagarh, Distt. Solan (H.P.)

...Applicant.

V/s.

Executive Engineer, B.C.B.P.W. (Civil) Prem Nagar, Bhiwani-125021.

...Respondent.

REPRESENTATIVES

For the Workman : Sh. Ramnik Gupta

For the Management : Ms. Neeru Chadha

AWARD

(Passed on 2-6-2003)

The Central Govt. Ministry of Labour vide Notification No. L-42012/63/89-D-2 (B) dated 29th March, 1990 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the BCB, Power Wing, Civil Dvi. Bhiwani in terminating the services of Sh. Sarwan Singh S/o Sh. Mansa Singh w.e.f. 1-10-86 is legal & justified? If not, to what relief the concerned workman entitled and from what date?"

2. In the claim statement it is pleaded by the applicant that he was engaged as chowkidar on workcharged basis by the management on 1-12-1983 but all of a sudden he was informed by the management that there was no job and his services were terminated. At the time of termination no retrenchment compensation has been paid. No notice or notice pay was given. The management also retained juniors to the applicant. It is further pleaded by the applicant that the workman has been taken on rolls on daily wages basis and remained with the management in 12/86, 1/87, 4/87, 9/87 and 11/87. The applicant thus has prayed that he be reinstated in service with full back wages and other benefit.

3. In the written statement the management has pleaded that the workman was appointed as chowkidar on 17-8-1983 and continued to work there up to 30-9-1986.

The management has pleaded that the workman abandoned the job himself and the management had not terminated his services. It is further pleaded that the said sub-division has been abolished no junior workman is working there. The applicant was taken on rolls on daily wages and the Management has not contravened the provisions of the I.D. Act. The applicant himself had not accepted the terminal benefits and thus he is not entitled for reinstatement in service.

4. The replication was also filed reiterating the claim made in the claim statement.

5. In evidence the applicant filed his own affidavit as Ex. W1. In rebuttal the Management examined MW1 M.K. Vasishth who filed his affidavit and documents Ex. M1 to Ex. M4. K.K. Khosla appeared as MW2 who filed his affidavit Ex. M5. The Management also produced Ravinder Nath Ex. MW3 who filed his affidavit Ex. M6.

6. I have heard the Learned counsel for the workman and Learned Representative of the Management and have also gone through the evidence and record of the case. It is argued on behalf of the workman that the applicant worked up to 30-9-1986 and admittedly the workman had put in more than 240 days of service in one calendar year and no notice, notice pay in lieu of notice and retrenchment compensation was paid at the time of his termination and the management has violated the mandatory provisions of Section 25-F of the I.D. Act, 1947 and thus the workman is entitled to be reinstated in service with all benefits. For his arguments the learned counsel for the workman has referred the following case laws :

1. 1980 S.C. 115, Jaswant Singh Vs. UOI
2. AIR 1997 S.C. 1445 State of H.P. Vs. Nodha Ram and others.
3. AIR 1979 Pb. & Hy. page 1 Sunder Singh Vs. BC Versus BCB
4. 2001 LAB. i.c. 406 K.P.T.C. Vs. Amalgamated Electricity Col. Ltd.
5. 1990 (ii) LLJ 70 Punjab Land Dev. & Reclamation Corp. Ltd. Vs. P.O. Labour Court Chandigarh.

7. On the other hand the learned representative of the management has argued that the workman had not reported for duty after 30-9-1986 and he himself had abandoned his service and therefore there was no question of paying any retrenchment compensation. It is further argued that the unit in which the workman was working had closed down in the year 1990 and since the unit was closed down, therefore, there is no question of reinstatement of the workman in service. For his arguments he has relied on 1979 S.C.C.G.T. Lad and Ors. Vs. Chemical and Fibres of India Ltd. page 76 and 2003(1) S.C.T. page 400 State of Haryana Vs. Maman Ra, and others. He has further argued that the workman left the job of his own. I have gone through the judgements/case laws cited by the

parties. The Management has not produced on record any document showing that any notice was issued to him and on their own admission the applicant worked with the Management in 12/86, 1/87, 4/87, 9/87 and 11/87. Therefore, the pleas of the Management that applicant left the job cannot be accepted. Moreover to constitute abandonment of service there must be total or complete giving up of duties so as to indicate an intention not to resume the same. Abandonment or relinquishment of service is always a question of intention and normally such an intention cannot be attributed to an employee without adequate evidence in that behalf. In the present case also there is no evidence on the record that the workman does not want to serve the management. The workman was again re-employed by the Management during 12/86 which shows that the applicant was very much willing to serve the Management. Therefore, he cannot be treated to have abandoned the service.

8. In the present case the applicant had already more than 240 days of service in one calendar year upto 30-9-1986 and he was not given any retrenchment compensation, Notice or Notice pay, therefore, the Management violated the mandatory provisions of the I.D. Act, 1947. The workman is therefore entitled to be reinstated in service.

9. It is further argued on behalf of the Management that the Unit in which the workman was working was closed down and the applicant cannot be reinstated in service. It is specifically pleaded in the written statement that the sub-division has been abolished w.e.f. 31-10-1990, therefore, in my considered opinion the workman is entitled for the wages upto the year 1990 that too after deducting the wages already paid to him for the subsequent period for which he worked with the Management.

10. In view of the above discussions made in the earlier paras. The workman is ordered to be reinstated in service and backwages will be regulated as mentioned in para No. 9 of this Award. He will also be entitled for the terminal benefits on closing of the Unit on 31-10-1990, treating him to be in service upto the period 31-10-1990. The reference is disposed off accordingly Central Govt. be informed.

Chandigarh.

S. M. GOEL, Presiding Officer.

नई दिल्ली, 25 जून, 2003

का. आ. 2069.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैन्टोनमेन्ट बोर्ड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 232/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-13012/9/99-आई.आर. (डी.यू.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2003

S.O. 2069.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 232/99) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Cantonment Board and their workman, which was received by the Central Government on 25-06-2003.

[No. L-13012/9/99-IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT : CHANDIGARH

Presiding Officer : Shri S. M. Goel

Case No. ID 232/99

Sh. Om Parkash S/o Sh. Rounki Ram, V. P.O. Saha, Distt. Ambala, (Haryana)-134003.

...Applicant.

V/s.

The Executive Officer, Cantonment Board, Ambala Cantt. (Haryana)-133001.

...Respondent.

REPRESENTATIVES

For the Workman : None.

For the Management : Dharmander Singh.

AWARD

(Passed on 8th May, 2003)

The Central Govt. Ministry of Labour vide Notification No. L-13012/9/99-IR(DU) dated 26th October, 1999 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Executive Officer, Cantonment Board, Ambala Cantt. in terminating the services of Sh. Om Parkash S/o Sh. Rounki Ram by accepting his resignation w.e.f. 8-11-96 is just & legal? If not, to what relief the concerned workman is entitled?”

2. Case repeatedly called. None has put up appearance on behalf of the workman. It appears that workman is not interested to pursue with the present reference. In view of the above the present reference is dismissed in default, and returned as such to the Appropriate Authority for publication Central Govt. be informed.

CHANDIGARH.

Dated : 8th May 2003

S. M. GOEL, Presiding Officer

नई दिल्ली, 25 जून, 2003

का.आ. 2070.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्टोनमेंट बोर्ड के प्रबंधतंत्र के सेबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में श्रम व्यायालय युगे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-13012/4/96-आई.आर. (डीयू)]
बी.एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2003.

S.O. 2070.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Pune as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Cantonment Board and their workman, which was received by the Central Government on 25-6-2003.

[No. L-13012/4/96-IR (DU)]
B.M. DAVID, Under Secy.

ANNEXURE

BEFORE SHRI CHANDRASHEKHAR INAMDAR
PRESIDING OFFICER

THIRD LABOUR COURT, PUNE

Reference (IDA) No. 506/97

BETWEEN:

The Cantonment Executive Officer,
Pune Cantonment Board.
PUNE-411001

...FIRST PARTY

AND

Smt. Rukminibai Ganpat Rokade
Room No. 25, Mcnial Quarters.
Hidaytulla Road, PUNE-411001

...SECOND PARTY

Subject : In the matter of reinstatement with continuity of service and full back wages.

Court : Shri. Chandrashekhar Inamdar.

Advocates : Shri. A.N. Kulkarni—for first party.
Shri. P. V. Sathaye—for second party.

AWARD

(Dated : 8-4-2003)

1. The Desk Officer of Ministry of Labour, Government of India, New Delhi vide Order No. L-13012/4/96-IR (DU) dated 27-10-97 has referred the dispute arose between the above-mentioned parties under Sec. 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 for adjudication on the demand union is referred in term of schedule union reads as :

"Whether the action of the management of Cantonment Board, Pune in terminating the services of Smt. Rukmini Ganpat Rokade, Safai Karamchari w.e.f. 1-5-92 is legal & justified? If not, what is the relief the workman is entitled for?"

2. In response to notice, the second party has filed her statement of claim is at Exh. 6. Briefly, it is case of the second party that she was employed as Safai Karmachari by the First Party for the period of May 1991 to April 1992. She has worked for 312 days continuously in this period. The details of days worked is given at Page No. 3. She was getting Rs. 750 wages, not other allowances. She want to Office of First Party on several occasions requested to give her work but the First Party turned down request. She alleged that she has completed one year service with the First Party as per Sec. 25B (1), 25B (2) (a)(ii)(c) of the Industrial Dispute Act, 1947. She further alleged that the First Party terminated her services without any reason. Thus he has violated the provisions of Sec. 25F of the Industrial Disputes Act, 1947. Then the First Party employed Safai Karamchari after April 1992. Thus the First Party has committed breach of Sec. 25H of the Industrial Disputes Act, 1947. She prayed for reliefs.

3. The First Party has filed their written statement is at Exh. 10. The First Party in their written statement in Para 3 admitted that the Second Party was employed by them. It is categorically admitted that the number of days worked out in statement of claim are correct. The actual payment made is also correct. However, the First Party taken up defence that Second Party was not recruited as per rule 5 B (1) of the Cantonment Funds Servants Rules, 1937. She was appointed on purely as a Substitute Casual Labour for specific period from time to time, during period as Stop-Gap arrangements. So the services of the Second Party comes to an end by efflux of time. The Second Party cannot claim any right of clear vacancy. So, there is no obligation on the First Party to give her appointment. There is no breach of Sec. 25 (F) of the Industrial Disputes Act, 1947. The Second Party cannot claim regularisation, confirmation, permanancy etc. The First Party has taken up defence that the Second Party is approaching this Court after 7 years period. She has not explained any grounds for delay. The First Party has denied that the Second Party approached them for work etc. The First Party prays to reject reference.

4. On the rival pleadings of both the parties, my learned predecessor has framed issued below Exh. 13 which are for my determination on which I record my findings with the reasons as under :

ISSUES

- (a) Whether the action of termination of Second Party workman w.e.f. 1-8-92 is illegal.
- (b) What relief the Second Party is entitled to get?
- (c) What Award ?

FINDINGS

Yes

Reinstatement with continuity of service with 50% back wages
As per given below.

REASONS

ISSUE NO. 1:

5. The Second Party as well as the First Party did not lead oral evidence on the above issues. Advocate Shri. P. V. Sathaye for Second Party submitted written arguments and made oral submissions. Then Shri. A. N. Kulkarni for First Party vehemently placed oral arguments. He also filed rulings of Apex Court which is considered by me.

6. The undisputed fact which is brought on record by the Second Party that she was employed as Safai Karamchari by the First Party for the period of May 1991 to April 1992. She has continuously worked for 312 days in the said period. It is pertinent to note that the Second Party has filed xerox copies of wage slips for the period 5/91, 6/91, 7/91, 8/91, 9/91, 10/91, 11/91, 12/91, 2/92, 3/92, 4/92 which was given by the First Party. Further she has given Notice for production of documents below Exh. 7. She particularly called Scale Registers Form 13B for the years 90-91, 91-92, 92-93, pay bills Form 15B, wages drawn of Safai Karamchari in Form 23-B, Muster Roll etc. The First Party filed its say Exh. 11, my learned predecessor allowed the notice of documents directed the First Party to produce the documents. The Second Party placed on record that the First Party has not produced the wage bills, Pay Bills, Muster Rolls for her the period when Second Party was employed. The First Party filed an application Exh. 18, the documents which are not traceable cannot produced. Hence, the court vide order below Exh. 16 directed First Party to file an affidavit. Accordingly, affidavit is filed.

7. Considering this fact, the Second Party has proved the fact that she has worked for period of May 1991 to April 1992. She has continuously worked for 312 days. This fact is not rebutted by the First Party. Considering the vital admission in Para 3 of written statement from the material on record, I have to hold that the Second Party proved that she has worked for 312 days continuously during May 1991 to April 1992. She is workman who has continuously worked more than 240 days as define order Sections 25-B (1), 25-B (2), and 25-F of the Industrial Disputes Act, 1947.

8. The First Party has stated that the Second Party was employed as purely substitute casual labour for specific period. But the First Party did not file by specific appointment order, document in this Court to prove his contentions. Further the First Party stated that the services of the Second Party comes to an end by efflux of time. To prove this contentions the First Party has not produce by Single document to show that on 1-5-92 the services of Second Party comes to an end by efflux of time. Further the First Party did own lead any oral evidence to prove this case. Therefore, in absence of any evidence this fact cannot be said to be proved. Therefore, I must held that the First Party has completely failed to prove their case of termination of service by efflux of time because of specific appointment for specific period.

9. The First Party has not disputed that they have not terminated services of the Second Party. At this stage, I noticed that while framing Issue No. 1, the date of termination is mentioned as 1-8-92 but after referring the schedule of this reference the date of termination is w.e.f. 1-5-92. This is supported by document that the last wage slip given by the First Party is of April 1992. So, the date of termination need is valid be 1-5-92. The provision of the Industrial Disputes Act, 1947 is applicable to the First Party. Considering the definition of retrenchment reads under Sec. 2 (oo) is any termination amounts to retrenchment. The termination of services of the Second Party by the First Party is clearly without giving one months's notice or notice pay, and not paid retrenchment compensation, is directly fall under breach of Sec. 25 (F) of the Industrial Disputes Act, 1947. The provisions of Sec. 25 (F) are precondition of and mandatory per retrenchment First Party has clearly violated the provisions of Sec. 25 (F). Therefore, the action of termination of services of Second Party is an illegal, termination. The First Party has not given any reasons for termination so there is no justification and *bona fides* in the action of termination effected by the First Party.

10. The First Party raised point that there is delay of 7 years. The Second Party confounded that there is delay of 2-1/2 years in their written argument. After considering the provision of Sec. 10 (1) of the Industrial Disputes Act, 1947, the appropriate Government is referring the dispute to court. There is no any limitation laid down in Act. The Second Party who is lady Safai Karamchari has approached the Government Office after 2-1/2 years so the time needs to be considered and condoned by exercising discretionary powers. The First Party under misconception calculated 7 years period to exaggerate situation which is wrong. Therefore, I reply Issue No. 1 in affirmative.

ISSUE Nos. 2 & 3 :

11. The Second Party proves that her services have illegally terminated by First Party so she is entitled for relief of reinstatement in normal circumstances. The First Party did not prove any gainful employment of Second Party. It is established that the First Party has filled post of mazdoor by giving advertisement in newspaper for walk in interview. So, I am of the view that the Second Party is entitled for reinstatement continuity of service. But in respect of back wages, she is not entitled for any back wages from date of termination till order of reference i.e. 1-5-92 to 27-10-97. But thereafter she is entitled to get 50% of back wages.

Therefore, I pass following Award :

AWARD

1. The reference is partly allowed.
2. It is held and declared that the first party has illegally terminated the services of second party w.e.f. 1-5-92.

3. The First Party is directed to reinstate the Second Party with continuity of service and 50% of the back wages only within a period of 15 days from the date of publication of this Award.
4. No order as to costs.

PUNE

CHANDRASHEKHAR INAMDAR
Presiding Officer

Date : 8-4-2003

नई दिल्ली, 25 जून, 2003

का.आ. 2071.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्टोमेन्ट बोर्ड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में प्रम न्यायालय पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-13012/5/96-आई.आर. (डीयू)]

बी.एम. डेविड, अधर सचिव

New Delhi, the 25th June, 2003

S.O. 2071.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby, publishes the award of the Labour Court, Pune as shown in the Annexure in the Industrial Dispute between the employer in relation to the management Cantonment Board and their workman, which was received by the Central Government on 25-6-2003.

[No. L-13012/5/96-IR (DU)]

B.M. DAVID, Under Secy.

ANNEXURE

**BEFORE SHRI CHANDRASHEKHAR INAMDAR
PRESIDING OFFICER
THIRD LABOUR COURT, PUNE**

Reference (IDA) No. 504/1997

The Cantonment Executive Officer ...First Party
Cantonment Board.
PUNE-411001

Vs.

Shri Deepak Amruta Kamble
Room No. 3, Kamble Road
Coach House,
PUNE-411001

...Second Party

In the matter of : Industrial dispute referred by Govt.
of India, Ministry of Labour vide
Order No. L-13012/5/96-IRDU, dt.
27-10-97.

Coram : Shri. Chandrashekhar Inamdar.

Advocates : Shri. A.N. Kulkarni—for first party.
Shri. P. V. Sathaye—for second party.

AWARD

(Dated : 4-4-2003)

1. This Reference has been referred for adjudication by the Desk Officer of Ministry of Labour, Government of India, New Delhi vide Order No. L-13012/5/96-IR (DU), dated 27-10-97 under Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 over the dispute between the above-mentioned parties. The demand mentioned in schedule, is as follows :

“Whether the action of the management of cantonment Board, Pune in terminating the service of Shri Deepak Amruta Kamble, Safai Karamchari w.e.f. 1-8-92 is legal and justified? If not, what is the relief the workman is entitled to?”

2. In response to the notice, the second party has filed his statement of claim below Exh. 6. The second party has come with the case that he was employed as Safai Karamchari with the first party for the period September 1991 to July 1992. During this period, the second party worked for 269½ days continuously as per the details given. The statement is furnished. It is alleged that the first party wanted to pay only prevailing basic pay of Rs. 750/- of the post of Safai Karamchari and D.A., H.R.A. and C.L.A. were not paid by the first party. So it is exploitation the second party alleged that he went to the office of the employer on several occasions and requested to provide him a job, but this request was turned down every time. As he came to know that first party does not want to employ him, he approached Asstt. Commissioner of Labour (Central) Pune. The conciliation proceedings were held but the first party did not settle the matter. So Asstt. Commissioner of Labour (Central) sent failure report to Government. Thus the matter is referred to this Tribunal for adjudication. The second party has given the statement of number of days worked continuously by him with first party for September 1991 to July 1992. The relevant portion is referred here :

Month & Year	Days	Payment made Rs.
1. 9/91	30	905
2. 10/1	30	875
3. 12/91	30	876
4. 1/92	31	905
5. 2/92	28½	889
6. 3/92	31	905
7. 4/92	28	905
8. 5/92	28	399
9. 7/92	31	905
		7564

It is alleged that the second party has completed one year's service with the first party as defined in Section 25-B(1) and 25-B(2) (a) (ii) of the I.D. Act. The second party alleged that the first party terminated the services of the workman after the above period without any reason. Thus, he has committed the breach of Section 25F of the I.D. Act. After the termination first party has employed safai Karamchari after July 1992. So he has committed breach of Section 25H of I.D. Act. The second party attached xerox copies of the wage-slips for the period referred above. He relies on it. He prayed for the reliefs:

3. The first party has filed its written statement below Exh. 10. He has raised number of issues in written statement. So after perusing the same, first deal with the contentions raised by second party and its reply given by first party which is relevant for the decision of the dispute. In Para. 3 of the W.S. first party submitted that second party was engaged only on purely as substitute, casual labour for specific period from time to time during the period as stop gap arrangement. The second party was paid wages as shown in the statement of claim. He denied the allegation of exploitation. the first party denied that the second party visited the first party on several occasions requesting to provide him job. The second party being substitute, casual labour, is not entitled to any permanency in service. So, he has falsely alleged that his request was turned down. The second party has not claimed any right on clear vacancy as there is no obligation for the first party to give him appointment in clear vacancy.

4. The first party in Para 3 very categorically and specifically stated which reads and refers as "the employer submits that the number of days worked out in the statement of claim are correct. That the actual payment made to him from time to time is correct and therefore, the figures in column Nos. 1 to 3 only are admitted. The rest of the figures has been denied." The first party has taken his defence that the second party has not completed one year's service with the first party. He has not acquired the status of permanent employee. The sections quoted by the second party are not applicable, relevant. The first party has taken up plea "since the engagement was purely as a substitute for a fixed period and therefore, does not attract any provisions of Section 25-F or any other section of I.D. Act, 1947." He categorically stated that second party was engaged for specific period and therefore, by efflux of time, the services came to an end second party has no legal right to continue said casual engagement. So there is no breach of Section 25-F and others of the Act.

5. First party has taken one defence that second party after lapse of 7 years period, is approaching this Hon'ble Court for the reliefs. He has not given an explanation the reasons for delay in filling the present proceeding. On this ground of delay, the reference needs to be dismissed with costs. The first party has contended that the person is to be employed with the organisation,

who comes from the Employment Exchange and followed the due recruitment procedure. As second party has not come through legal, proper process, he cannot claim regularisation and confirmation. The first party relies on the rulings of the Apex Court, which is mentioned in Para. 11 and 13 of written statement. He insisted that back door entry for filling up vacancy has to be strictly avoided. So the question of regularisation, absorption, confirmation would not arise. He relies on the Cantonment Fund Servants Rules, 1937 read with Section 280(c) of the Cantonment Act, 1924. There is no necessity to reproduce the decision of the Apex Court, which is a generalize commentary without referring the particular number of writ petition, civil appeal, names of parties.

6. On the rival pleadings of both parties, my learned predecessor is pleased to frame the issues below Ex. 17, on which I record my findings along with the reasons are as follows :—

- (1) Whether the action of ... Yes
termination of second
party workman w.e.f.
1-8-92 is illegal?
- (2) What relief, the second .. Reinstatement with
party is entitled to get? continuity of service
and 50% of the back
wages only.
- (3) What award? .. As per Award given
below.

REASONS

7. ISSUE NO. 1 :—The second party has filed his statement of claim at Exh. 6. In reply, the first party has filed their written statement at Exh. 10. It is pertinent to note that the second party as well as the first party has not entered into witness box to lead the oral evidence. The second party has filed no evidence purhsis below Exh. 43. The first party has also submitted that first party does not want to lead oral evidence. The second party has filed its written argument below Exh. 5. He referred ruling of S.C. 1992-I-CIP 1068. In addition to this, he has filed notes of important points below Exh. 48. Then he made oral submissions. Advocate Shri A.N. Kulkarni for the first party made oral argument before me. Then he submitted written synopsis below Exh. 46. He has filed the rulings of the Apex Court below Exh. 47.

8. The dispute which is before me for adjudication is a termination which is alleged by the second party is illegal. The burden of proof, as per the facts pleaded by the second party, is upon his shoulder. The first party employed him as a Safai Karamchari for the period September 91 to July 92. He, in statement of claim, pleaded that he has actually worked continuously more than 269½ days during the period September 91 to July 92. He has given the details of the days worked in Para. 3 of his statement of claim. In support of this, he has filed the xerox copies of the wage

slip (under M.W. Act) given by the first party Cantonment Board. He alleged that the first party has illegally terminated his services. They have not given any reasons for the termination. They have committed the breach of Section 25-F of the I.D. Act. Then the onus of the burden shifted on the shoulder of the first party to confront itself these facts stated by the second party as by denying the claim of actual work days of 269½ as pleaded by the second party. Being employer he has to come in this Court with records to show that second party has not worked more than 240 days for claiming the protection of Section 25-F of the I.D. Act.

9. After perusing the written statement in Para 3. the first party has not rebutted the fact that the second party has worked more than 269½ days in September 91 to July 92. In fact, he has admitted this fact. Therefore, this case of the termination of dispute needs to be judged on the two facts, one is of the number of actual days worked by second party. Secondly whether the termination is illegal. In this context, the second party has proved his case which will be shown from the foregoing Para. In my view, when there is admitted fact by the opposite party, there is no need to the applicant/Second party to lead the oral evidence. Considering the principle laid down in the evidence Act, the facts which are admitted need not be proved. Accordingly the second party has not led oral evidence.

10. As I stated earlier second party has produced the documentary evidence to show that he has worked for 269½ days continuously from September 91 to July 92 as a Safai Karamchari with the first party. He has produced xerox copies of the wage slips. This particular document is given by the first party while making the payment of wages to the second party. In order to prove this document, the second party has given a notice of document at the time of filing the statement of claim, is at Exh. 7. In the said notice, he has called the following documents :

- (1) Scale Register Form Cant 13-B for the years 1990-91, 1991-92 and 1992-93.
- (2) Pay Bills Form Cant 15-B for the above period Head of Expenditure E (4) (a) Market and Slaughter Houses, F (4) (a) Latrines, drainage, conservancy and scavenging F(9).
- (3) Wages drawn of persons employed like the workman on Form 23-B—Muster Roll for the above period or if the same has been drawn in any other manner those documents.
- (4) Directorate of Defence Estates, Ministry of Defence, Southern Command, Pune letter No. 10723/PNA/III/DE, dated 31-8-1989 sanctioning revision of pay-scales of Cantonment Board Employees of Pune Cantonment.

The first party has filed its say to the notice of document on 21-3-98 below Exh. 11. They resisted the notice of document on the ground of relevancy, which is not pleaded, document called are vague. Document at Sr. No. 4 is available with the worker so it could not produce and so notice of document needs to be rejected. After the arguments heard of both the Advocates, my learned predecessor on 7-8-98 has allowed the notice of document. The direction has been given to first party to produce all documents as mentioned in Ex. 7. On 26-10-98 the first party produced two documents at Ex. 13, scale register and letter of the Director, Defence Estate, Southern Command, Pune. Further, on 12-5-99, the first party has produced pay bills dated 6-1-90, 5-2-90, 5-4-90, 6-4-90, 5-5-90, 5-6-90, 20-7-90, 4-8-90, 21-8-90, 7-9-90, 6-11-90 and muster-rolls dated Nov. 90, 5-12-90, 5-1-91, 6-2-91, 7-3-91, 8-4-91, 7-5-91, 6-1-92, 17-1-92, 5-11-92, 4-12-92, 5-1-93, 5-2-93 5-3-93, 7-4-93, 6-5-93, 31-5-93, 15-6-93, below Exh. 15. Then second party filed an application below Exh. 16 contending in Para 9 of the said application that the documents produced by the first party are not as per the directions of the Hon'ble Court given on 7-8-98. Without producing the proper record, the second party is unable to proceed with the case. So he prayed for the directions be given to the first party to follow strictly the orders. The first party has resisted this application and filed its say at Exh. 18. They have taken plea that the records which were traced, are produced. It is contended that second party wants to rely on the documents which are old, are not readily traceable and cannot produce by the management. Considering this, the second party has filed an application below Exh. 19 to draw adverse inference relying on the rulings reported in AIR-1968-SC-1413 (V 55 C 276), Gopal Krishnaji Ketkar Vs. Mohamed Haji Latif and others. Civil Appeal No. 954 of 1965, dt. 19-4-1968, by Hon'ble Supreme Court. It is ruled "a party in possession of best evidence which would throw light on the issue in controversy withholding it—Court ought to draw an adverse inference against him notwithstanding that onus of proof does not lie on him—Party cannot rely on abstract doctrine of onus of proof or on the fact that he was not called upon to produce it." The judgment is enclosed with the application by second party. On 28-1-2000 my learned predecessor has passed an order below Exh. 16 directing the first party to file an affidavit of the concerned person. The documents are not traceable and hence unable to file as per the order dt. 7-8-98. On 26-4-2000 Shri Ramdas Pandharinath Bhogade, Dy. Cantonment Executive Officer of first party has filed an affidavit, is below Exh. 19. I noticed that in Para. 4, the affiant deposed that Party No. 2 was to rely on the documents of management which are not traceable inspite of efforts made to trace out by this office and hence the management is unable to file the same as per order of Hon'ble Court dt. 7-8-98. Then the second party filed an application below Exh. 20 to cross-examine the witness. The request was turned down. Then second party has

filed counter affidavit below Exh. 21. In reply, the first party has filed an affidavit below Exh. 22 on 17-1-2001.

11. After considering this development, I have to give my findings on the basis of ‘the material available on record’ to decide Issue No. 1. While referring to the notice of document Exh. 7, the second party has rightly asked three documents to be produced by the first party. The documents which are relevant and required to decide the issue of termination. The first document i.e. Scale register Form Cant 13-B for the years 90-91, 91-92 & 92-93, second document i.e. pay bill Form Cant 15-B for the above period; third document which is more vital important document, is wages drawn by the person employer like the workmen (second party) in Form 23-B. Muster roll for the above period or any other documents and if the same has been drawn in any other manner those documents. I particularly noticed that the first party has not produced the wage record Form 23-B and the muster-roll for period of September, 91 to July, 92. No doubt he has produced pay-bills in all 30 which does not help me to decide the number of days worked which directly reflects the payment received by the Second party employees of the first party. While referring Exh. 19 of the second party, the first party has not produced the muster-roll which shows the name of the second party particularly. But they have not produced the budget head from 8-4-91 till 6-8-92 (Sr. Nos. 18, 19). At Sr. No. 21 he has produced one F-4-(a) 17-1-92 and not produced after 5-11-92. I referred the particular numbers because I was eager to find out whether the first party has produced any document from which I can find out whether the actual days worked by the second party and its record is maintained by the first party. But the first party has not produced relevant record to find out the days worked by the second party. So considering Section 61 of the Evidence Act, 1872 relates to proof of contents of documents below Chapter V of documentary evidence refers as ‘contents of documents may be proved either by primary or by secondary evidence.’ Section 62 provides primary evidence means the documents itself produced for the inspection of the Court. Section 63 relates to secondary evidence means and includes—sub-clause (2) copies made from the original by mechanical processes which in themselves ensure the accuracy of the copy and copies compared with such copies. In the light of this, when first party, in whose custody, was the original muster-roll and the wage records of the second party for period of September 91 to July 92 have not been produced in accordance with the orders of this Court dt. 7-8-98. The xerox copy produced by the second party which is secondary evidence needs to be held to be believed relied and proved. Therefore, the total number of days 269½ days stated by the second party, needs to be held to be proved. At this stage, I consider the admission of first party about the number of days worked, fact has been admitted by the first party. Therefore, I hold that second party has proved her continuous service from September 91 to July 92 and considered the provisions of Section 25-B-Definition of

continuous service given in the Industrial Disputes Act. The first party has not disputed the number of days worked by the second party and the continuity of the service. Therefore, the second party has proved his case.

12. Now, I have to consider the case pleaded by the first party that the second party was appointed as substitute casual labour for specific period from time to time during the period as stop gap arrangement. In this context, the first party has not produced the office copy or the records in this Court to rely on this fact. Further, the first party has not entered into the witness box to prove this contention. Further, I noticed that the second party while submitting their written argument has produced Annexure A to E below Exh. 27. These are the office orders at Exh. 28 to 38. I noticed that all these appointments are given by the first party for the period 1996 to 1998. Certainly these orders are outside the purview of the terms of reference. But the first party has not proved that the second party was appointed for a specific period. So this plea is that the services of the second party came to an end by efflux of the time, this particular fact is not proved by the first party. So he cannot take the benefit of the definition given u/s. 2(oo) (bb) of the I.D. Act. Further, I noticed that the post of Safai Karamchari is mentioned in the scale register below Exh. 13. I noticed that the post of road sweepers, sweepers, Safai Karamachari are available in department (i) market and slaughter house, Code f-1(a)—hospital and dispensaries, Code F-4(a) Civil conservancy, 9-1(a) Bhorpari Village School, 1(g) Dr. Ambedkar High School, 9-1(e) pay (Teacher School), 9-1(o) Mahadji Shinde High School, 2-A Swami Vivekanand High School. The nature of work performed by second party is continuous and of permanent nature. Therefore, the facts stated by the first party cannot be believed and relied and first party cannot be given the benefit of Section 2(oo) (bb) of I.D. Act. The first party has not given specific appointment order to the second party at the relevant time. He has not given the written termination order to the second party. So first party cannot take this defence that services of the second party came to an end by efflux of the time. Therefore, the contention of the first party that the provisions of Section 25-F does not attract him, cannot be upheld.

13. The facts and the circumstances show that the second party as a Safai Karamchari worked upto July 92. There after the first party has not given the work to him. He has not submitted that the first party has not given any reason for the termination. The first party has not given appointment in writing and the termination order in writing. As I stated earlier, the second party has worked for 269-1/2 days continuous work from September 91 to July 92. So he has actually worked more than 240 days preceding the calendar year from the date of his termination. So it is crystal clear that the provisions of Section 25-F is certainly applicable to the first party. While referring the definition of the appropriate government u/s.

2-A of I.D. Act wherein a Cantonment Board has been included by Industrial Disputes (Amendment) Act, 1964 w.e.f. 15-12-64. Therefore, the provisions of the I.D. Act is applicable to the first party. The material on the record clearly shows that the first party has terminated the services of the second party and not given reason for the termination. The first party has taken up defence that the termination is by efflux of the time due to the specific period of employment which is not proved. Therefore, considering the definition of the retrenchment u/s 2(oo) of the I.D. Act, "the termination of the services of the workman by the employer for any reason whatsoever, otherwise than the punishment inflicted by way of disciplinary action". The action of termination of services of the second party w.e.f 1-8-92 is a retrenchment. It is sufficiently proved that the first party has not made compliance of mandatory and statutory provisions notice or notice pay and retrenchment compensation of Sec. 25-F of I.D. Act while terminating the services of the second party. Therefore, the termination is clearly an illegal termination.

14. At this stage, I have heard the argument vehemently placed by Adv. A. N. Kulkarni for the first party moreover which needs to reply. The first point is raised by him that the second party is approaching this Court after lapse of 7 years. So the delay is inordinate which is not explained. So at this stage, I refer to the provisions of Sec. 10 of the I.D. Act wherein I find that there is no period of limitation prescribed in the Act for making the reference u/s. 10(1). It is for the appropriate Government to consider whether it is expedient to make or not made to reference. The words "at any time" used in Sec. 10(1) do not admit of any limitation in making order of reference. The law of limitation which may bar any Civil Court by giving remedy in respect of lawful rights cannot be applied by the industrial dispute. This is a precedent of our Hon'ble Supreme Court laid down in 1961-II L.L.J. (89)(92)(S.C.). No doubt the policy is that such claim should not be generally allowed. The first and foremost thing is that this reference has been sent by the Desk Officer, Ministry of Labour Central Government New Delhi. They have not sent all papers along with their order. So it is very difficult for me to not when the second party has approached to the conciliation officer. The fact on the record is that the termination is of 1-8-92 and the reference has been made on 27-10-97. The first party under the misconception has calculated total period of seven years which is totally wrong. According to me, from 1-8-92 to 27-10-97 is a period of 5 years. The second party, in his written argument, stated that there is delay of 2½ years only. He contended that the second party who is a Safai Karamachari, is an illiterate lady. She was not knowing where to approach. He relied on the case law of our Hon'ble Supreme Court of India reported in 1999-I CLR 1068 between Ajaib Singh Vs. Sirhind Co-op. Marketing-cum-Processing Services Society Ltd. & anr. Their Lordships held that relief under the Act can not be denied to the workman merely on

the ground of delay as Limitation Act is not applicable and in case delay is established, the Labour Court or Tribunal can mould the relief as to back wages etc. In reply to this, Adv. Shri A.N. Kulkarni for the first party has relied on the ruling of our Hon'ble Supreme Court of India reported in 2000-I-CLR-671 between Nedungadi Bank Ltd. Vs. K.P. Madhavankutty & Ors. In this particular case, there was 7 years delay from the date of dismissal i.e. 30-1-73. Bank filed writ petition before Single Judge, he quashed the reference. But Division Bench in appeal set aside the quashing of the reference. Hence the appeal was before the Supreme Court and the appeal was allowed. But the facts were different then the present case at my hand. In the cited case, under the judgement, the bank had dismissed K. P. Madhavankutty after the domestic enquiry, after admitting his guilt, on 30-1-73 and he claimed the relief of reinstatement after 7 years. Wherein the Supreme Court held that appropriate Government cannot in a mechanical fashion make the reference of the alleged dispute. In present case, the first party has terminated the services of the second party without giving any reason, without giving any order, without following the mandatory provisions of Section 25-F of the I.D. Act. So the facts in the judgment and the facts of this reference are totally different. I most respectfully agreed with the views and precedent laid down by Hon'ble Supreme Court. But this ruling does not come to the help of the first party. The Hon'ble Supreme Court in the famous case of Collector of Land Acquisition Vs. Anant Nag, has laid down the landmark principles while considering the point for condonation of delay. I noticed that there is no provision of law which bars the second party to approach the conciliation officer within a particular period. The officer has taken a period of 2½ years to send this reference to this Court. One of the grounds is that the conciliation officer has sent failure report to the Ministry of Labour, New Delhi and then on the orders, the reference has been made to this Court. Therefore, the time lapsed between this needs to be condoned, genuine and reasoned. The precedent has also been laid down that the doors of the justice should not be closed to the litigants by throwing their cases on strict technical grounds. In an industrial adjudication, the Labour Court has to see the reasons. It is for the second party to prove his case on merit. If the reference is rejected on the ground of delay, he will lose an opportunity to prove his case on the merit, which is laid down in the judgment of Collector of Land Acquisition by Supreme Court. Therefore, the point raised by the first party of the delay is not tenable and cannot be upheld. Secondly, the first party, in their argument, under the misconception of law and wrongful interpretation of the facts presumed that the second party is cleaning the regularisation and the absorption. The first party has filed the rest of the cases on this issue. I respectfully agreed with the rulings laid down by the Apex Court. But the fact like sun-shine is very clear that the second party is alleging the illegal termination and

breach of mandatory provisions of Section 25-F of the I.D. Act, 1947. Considering this fact and the law point, the arguments submitted before me by the learned Advocate Shri A. N. Kulkarni for the first party are not tenable and cannot be upheld. So I reply the Issue No. I in positive.

15. Issue No. 2 & 3 :— As I held that second party has succeeded in proving that her services were illegally terminated by the first party without following the mandatory provisions of Section 25-F of I.D. Act i.e. retrenchment, the second party is entitled to get the reinstatement and the continuity of the service. The Advocate of the second party has shown me that the post of Safai Karamchari is of permanent nature. The work is also permanent nature and the first party has drawn my attention to the fact that in pay scale register, there are number of posts of the Safai Karamchari. So the second party can be safely accommodated. Further, he has shown me that the minutes of the meeting dated 21-8-95 reveals that there are 16 posts Safai Karamchari lies vacant and vacant posts will be filled as assurance was given. Further, the absorption of the workers in clear vacancies who had worked for 240 days, was also accepted by the first party officer. Then I noticed that on 6-8-99 the first party has given the advertisement in Maharashtra Herald for walk in interview and he called the applications and biodata and asked the persons to attend the interview, wherein 6 posts of the majdoors were advertised. Then on 16-6-2000 Shri S. S. Kamble and Shri B. M. Marian were appointed in response to the interview held on 16/17-8-99 for the post of Majdoor. The appointment orders have been produced by the second party at Ex. 41 & 42. Therefore, the second party has to accommodate by the first party. In respects of the back wages, I consider that the second party has approached the office of the Asstt. Commissioner of Labour after the lapse of 2½ years. She has not explained the delay in writing in his statement of claim. He suppressed this fact. So, I am of the view that the second party is not entitled for any back wages from 1-8-92 to 27-10-97 but she is entitled for the back wages of 50%. Accordingly I pass the following award.

AWARD

- (i) The Reference is partly allowed.
- (ii) It is held and declared that the first party has illegally terminated the services of the second party w.e.f. 1-8-92.
- (iii) The first party is directed to reinstate the second party with continuity of service and 50% of the back wages only within a period of 15 days from the date of publication of this award.
- (iv) No order as to costs.

Dated : 4-4-2003

CHANDRASHEKHAR INAMDAR, Presiding Officer

नई दिल्ली, 25 जून, 2003

का.आ. 2072.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्टोमेन्ट बोर्ड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-13012/6/96-आई.आर. (डी.यू.)]
बी.एम.डीविड, अवर सचिव

New Delhi, the 25th June, 2003

S.O. 2072.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Pune as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Cantonment Board and their workman, which was received by the Central Government on 25-6-2003.

[No. L-13012/6/96-IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE SHRI, CHANDRASHEKHAR INAMDAR

Presiding Officer

THIRD LABOUR COURT, PUNE

Reference (IDA) No. 505/97

Between

The Cantonment Executive Officer
Pune Cantonment Board, PUNE-411001

... First Party

AND

Smt. Gangubai Gajarmal
C/o. Shri. Vilas Gajarmal
Cantonment General Hospital,
PUNE-411001

... Second Party

Subject : In the matter of reinstatement with
continuity of services and full back
wages.

Coram : Shri Chandrashekhar Inamdar.

Advocates : Shri A. N. Kulkarni — for First Party
Shri P. V. Sathaye — for Second Party

AWARD

(Dated 10-4-2003)

1. The Desk Officer of Ministry of Labour, Government of India, New Delhi vide Order No. L-13012/6/96-IR(DU) dated 27-10-97 has referred the dispute arose between the above mentioned parties under Sec. 10 of the Industrial Disputes Act, 1947 for adjudication on the demand union is referred in term of schedule union reads as :

"Whether the action of the management of Cantonment Board, Pune in terminating the services of Smt. Gangubai Gajarmal, Safai Karamchari w.e.f. 1-7-92 is legal and justified? If not, what is the relief the workman is entitled for?"

2. In response to notice, the Second Party has filed her statement of claim is at Exh. 6. Briefly, it is case of the Second Party that she was employed as "Safai Karamchari" by the First Party for the period of July 1991 to June 1992. She has worked for 284 days continuously during this period. The details of days worked is given at Page No. 3. She was getting Rs. 750/- wages not other allowances. She went to the Office of the First Party on several occasions requested to give her work but the First Party turned down request. She alleged that she has completed one year service with the First Party as per Section 25-B (1), 25-B(2) of the Industrial Disputes Act, 1947. She further alleged that the First Party terminated her services without any reason. Thus, he has violated the provisions of Section 25-F of the Industrial Disputes Act, 1947. Then the First Party employed Safai Karamchari after June 1992. Thus, the First Party has committed breach of Section 25-H of the Industrial Disputes Act, 1947. She prayed for reliefs.

3. The First Party has filed their written statement is at Exh. 10. The First Party in their written statement in Para 3 admitted that the Second Party was employed by them. It is categorically admitted that the number of days worked out in statement of claim are correct. The actual payment made is also correct. However, the First Party taken up defence that the Second Party was not recruited as per rule 5 B (1) of the Cantonment Funds Servants Rules, 1937. She was appointed on purely as a substitute casual labour for specific period from time to time during period as Stop Gap arrangement. So, the services of the Second Party comes to an end by efflux of time. The Second Party cannot claim any right of clear vacancy. So there is no obligation on the First Party to give her appointment. There is no breach of Section 25 (F) of the Industrial Disputes Act, 1947. The Second Party cannot claim regularisations, confirmation, permanancy etc. The First Party has taken up defence that the Second Party is approaching this Court after 7 years period. She has not explained any grounds for delay. The First Party has denied that the Second Party approached them for work etc. The First Party prays to reject reference.

4. On the rival pleadings of both the parties, my learned predecessor has framed Issue below Exh. 13 which are for my determination on which I record my findings with the reasons as under :

ISSUES

FINDINGS

1. Whether the action of termination of Second Party workmen w.e.f. 1-8-92 is illegal ?

Yes

2. What relief the Second Party is entitled to get ?

Reinstatement of continuity of service with 50% backwages.

3. What Award ?

As per given below.

At this stage, I noticed that the date of termination mentioned in Issue No. 1 is 1-8-92 but after referring the Schedule of the Reference, the date of termination is 1-7-92. So, the date of termination needs to be read as 1-7-92.

REASONS

ISSUE No. 1

5. The Second Party as well as the First Party did not lead oral evidence on the above issues. Advocate Shri P. V. Sathaye for Second Party submitted written arguments and made oral submissions. Then, Shri A. N. Kulkarni for First Party vehemently placed oral arguments. He also filed rulings of Apex Court which is considered by me.

6. The undisputed fact is that the Second Party was employed as "Safai-Karamchari" by the First Party from period July 1991 to June 1992. The Second Party has continuously worked for 284 days. She alleged that the First Party has terminated her services for no reason by violating the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947. Thus, the First Party has illegally terminated her services, when she approached the First Party for providing her work, which was not considered by the First Party. Further, the First Party has employed "Safai Karamchari" after June 1992. The First Party in the written statement at Para 3, Page No. 2 specify the number of days worked out in the statement are correct. The period of employment is also not disputed.

7. At this stage, I have noticed that the Second Party in support of her contentions of 284 days worked continuously, she has filed the wage slips (under M. W. Act) given by the Cantonment Board.—The First party. She has filed xerox copies of the wage slips for the period July-91, Oct-91, Nov. 91, Dec-91, Jan-92, Feb-92, Mar-92, April-92, May-92 and June-92. It is on the record that the second party has given notice for the production of documents below Exh. 7. The First Party has filed its say below Exh. 11. My learned predecessor is pleased to allot the notice of documents and directed the First Party to produce the documents as called for. According to me, the First Party has not produced the wages drawn of persons employed like Second Party in Form 23-B, Muster Roll for the above period, and Pay Bills Form 15-B (Document at Serial Nos. 2 and 3). The First Party has produced certain documents which was not as per the order of this Court. So, the Second Party has filed an application at Exh. 16 to give proper directions to the First Party. Thus, the Court has directed the First Party to file affidavit for the documents which are not traceable and unable to file as per Order dated 7-8-98. Accordingly, the First Party has filed its affidavit. While considering the illegality of the

termination, it is necessary to see whether the First Party has followed the provision of Section 25-F of the Industrial Disputes Act, 1947, at the time of terminating of the Second Party. Therefore, whether the Second Party has actually worked continuously worked more than 240 days preceding the 12 months of the date of termination, it is necessary to peruse the Muster Rolls or Wage Record which shows the actual days worked by the Second Party and the wages paid for it. It is on the record that the First Party has not produced this material document in this proceeding.

8. The Second Party as well as the First Party has not lead any oral evidence to prove their case. The First party alleged that the Second Party has not lead any oral evidence. But, I am of the view that the number of days worked is the fact depends upon the document i.e. Muster Roll/Wage Record which is in the custody of the First Party. As the First Party has not produced the Original Muster Roll for the period July 1991 to June 1992 of the Second Party. So, the xerox copies which is produced by the Second Party is the best documentary evidence. This evidence needs to be considered as the primary evidence, (though it is Secondary in essentia, of primary, it becomes the original documents). Therefore, on the basis of this document, the Second Party has proved her case, that she has continuously worked for 284 days during the period July 1991 to June 1992. She alleged that the First Party has terminated her services without giving any reason on 1-7-92. The date of termination needs to be believed because she has produced the wage slips of June 1992. It is on the record that the First Party has not given any Notice or Notice Pay/Retrenchment Compensation to the Second Party while terminating her services. Therefore, it is clear cut breach of satisfactory and mandatory provision of Section 25-F of the Industrial Disputes Act, 1947. Therefore, the termination of the services of the Second Party effected by the First Party is clearly illegal, unjustified, not at all bona fide.

9. The First Party has taken up Defence that the Second Party was employed as purely substitute casual labour for specific period. They further contended that the services of the Second Party comes to an end by the efflux of time. Firstly, the First Party has not laid any oral evidence to prove these facts. Secondly, the First Party has not produced any document to show that the Second Party was appointed as Casual Labour for specific period. There is no written appointment order for specific period. Therefore the First Party has utterly failed to prove their case by not leading oral as well as documentary evidence to prove their case. I noticed that the First Party has made an attempt to take the benefit of the exemption Clause 2(oo) (bb) of the Industrial Disputes Act, 1947. This Section gives the definition of "retrenchment" wherein there is an exemption Clause reads as where the termination of the services of workman as a result of the non-renewal of the contract of employment between the employer and the

workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein. Then such termination does not amount of retrenchment, but in the present case, there is nothing on the record to hold that the Second Party was appointed for specific period and her employment comes to an end by efflux of time. The First Party has failed to justify the action of termination. Secondly, the termination effected by the First Party is in breach of Section 25-F of the Industrial Disputes Act, 1947, which is clearly an illegal termination. So, I reply this Issue in positive accordingly. The First Party has raised the issue of delay in their written statement. But this reference has been referred by the appropriate Central Government under Section 10 of the Industrial Disputes Act, 1947 and there is no provision of limitation order period within which the reference needs to be admitted is laid down in the Industrial Disputes Act, 1947. So, this point does not come to the help of the First Party considering the facts of this case. The Second Party in their arguments said that the delay is caused of 2 ½ years and not for 7 years as alleged needs to be believed.

ISSUE NOS. 2 & 3 :

10. The Second Party proves that her services have illegally terminated by First Party so she is entitled for relief of reinstatement in normal circumstances. The First Party did not prove any gainful employment of Second Party. It is established that the First Party has filled the post of Mazdoor by giving advertisement in newspaper for walk in interview. So, I am of the view that the Second Party is entitled for reinstatement continuity of service. But in respect of back wages, she is not entitled for any back wages from date of termination till order of reference i.e. 1-5-92 to 27-10-97. But thereafter, she is entitled to get 50% of back wages.

Therefore, I pass the following Award :

AWARD

1. The reference is partly allowed.
2. It is held and declared that the First Party has illegally terminated the services of the Second Party w.e.f. 1-7-92.
3. The First Party is directed to reinstate the Second Party with continuity of service and 50% of the back wages only within a period of 15 days from the date of publication of this Award.
4. No order as to costs.

Pune

Date: 10-04-2003

CHANDRASHEKHAR INAMDAR, Presiding Officer

नई दिल्ली, 25 जून, 2003

का. आ. 2073.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकाता के पंचाट संदर्भ संख्या 50/99 को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-42011/47/99-आई.आर. (डी यू)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2003

S.O. 2073.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/99) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 25-6-2003.

[No. L-42011/47/99-IR(DU)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 50 of 1999

Parties : Employers in relation to the management of the Chief Engineer, CPWD, the Estate Manager, Calcutta

AND

Their workman.

Present :

Mr. Justice Bharat Prasad Sharma
..... Presiding Officer

Appearance :

On behalf of Management Mr. S. K. Dutta, Advocate
for the Estate Manager,
Calcutta.

Mr. T. Chowdhury,
Advocate for C. P. W. D.

On behalf of Workmen Mr. S. K. Gupta, Advocate.

State : West Bengal. Industry : C. P. W.D.

Dated : 15th March, 2002.

AWARD

By Order No. L-42011/47/99 IR (DU) dated 27-10-1999 and Corrigendum of even number dated

08-02-2000 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Estate Manager, Calcutta in issuing recovery notice for an amount of Rs. 48,989 against Smt. Kalpana Bhattacharjee, Belder, CPWD Office, Calcutta is legal & justified? If not, to what relief the concerned workman is entitled ?”

2. The present dispute has been raised by the C. P. W. D. Mazdoor Union on behalf of a workman Smt. Kalpana Bhattacharjee of C. P. W. D., Calcutta. From the written statement filed on behalf of the union it appears that the aforesaid Smt. Kalpana Bhattacharjee was appointed as a Belder under CPWD Calcutta on 25-07-1992 on compassionate ground as her husband, late Shasanka Sekhar Bhattacharjee, who was a Plumber, in CPWD, Calcutta, died in harness in 06-05-1991. It is stated that Shasanka Sekhar Bhattacharjee was an essential maintenance staff and so he was allotted flat No. 574, A.F. Block at Salt Lake, Calcutta which was a reserved flat for essential maintenance staff of CPWD. It is further stated that Smt. Kalpana Bhattacharjee was appointed as Belder and she also belonged to the category of essential maintenance staff. Further, it is stated that by her representation dated 18-08-1994 to the Executive Engineer, C.C.D. No. VI she stated that the aforesaid flat, where she was staying alongwith her four children, has not been transferred to her though this fact was already brought to the notice of the Estate Manager, Calcutta by the Executive Engineer in his letter dated 01-06-1993 with a request to allot the aforesaid Flat No. 574 to Smt. Bhattacharjee who had been residing in the said flat with her husband since 1984. Subsequently, the Superintending Engineer, Calcutta, Central Circle No. II, CPWD vide his letter dated 28-10-1994 wrote to the Estate Manager, Calcutta on the same subject forwarding an application in the prescribed proforma with a strong recommendation to allot the flat to Smt. Bhattacharjee, but it had no effect. It is further stated that according to the Estate Manager Smt. Bhattacharjee was appointed as Belder in the CPWD his effect from 25-07-1992 and her husband had died on 06-05-1991. So, the permissible period of 12 months had exceeded by over two months and, therefore, Smt. Bhattacharjee could not get the benefit of the Government order and he opined that Smt. Bhattacharjee shall have to pay Rs. 48,989/- which included the licence fee at normal rate for the permissible period of 12 months and damages for the residuary period after expiry of the permissible period upto the date of her eviction on 27-11-1995. It is stated that while doing so, the Estate Manager did not give any break-up for the licence fee and the damage, nor did he furnish any detailed calculation for arriving at the figure of Rs. 48,989/- for which a recovery notice was issued against Smt. Bhattacharjee. It

is also stated that inspite of the fact that Smt. Bhattacharjee was appointed as Beldar in Group-D post which belongs to the category of essential maintenance staff and it was brought to the notice of the Estate Manager by the Executive Engineer and thereafter by the Superintending Engineer as stated above and though Smt. Bhattacharjee was residing with her husband and children in the concerned quarter for a pretty long time, the Estate Manager did not pay any heed to the request made by the Executive Engineer and the Superintending Engineer concerned and the Estate Manager evicted Smt. Bhattacharjee and also issued the recovery notice for the amount aforesaid. In this regard it has been stated that from the facts it emerges that Flat No. 574, Type-I, Block AF, Salt Lake, Calcutta-64 was allotted to late S. S. Bhattacharjee who died in harness on 06-05-1991 and on his death allotment of flat in his name was cancelled. It further appears that the Estate Manager suppressed the fact that the said flat is a reserved flat for essential maintenance staff of CPWD as will be evident from the letters of the Executive Engineer and the Superintending Engineer aforesaid. It also further appears that Smt. Kalpana Bhattacharjee was employed in the office of the Executive Engineer, C.C.D.-V1, CPWD, Calcutta on 24-07-1992 and applied for regularisation of the said flat in her name, but inspite of the fact that Smt. Bhattacharjee happened to be an essential maintenance staff, the regularisation order was not passed and the Estate Manager passed the eviction order on 9th May, 1995 and threatened that if Smt. Bhattacharjee did not vacate the flat within 15 days of the publication of the order, she would be evicted from the said flat with all her dependants by use of force. It has therefore been stated that it was necessary for the Estate Manager either to regularise the said flat to Smt. Bhattacharjee or to allote another flat nearby, so that Smt. Bhattacharjee could be able to properly discharge her essential maintenance duties, but instead of doing so, the Estate Manager kept Smt. Bhattacharjee under pressure and threat and ultimately evicted her with minor children. It has been stated that the ground taken by the Estate Manager for eviction of Smt. Bhattacharjee was that she had faild to secure a job within one year from the death of her husband, but the Estate Manager did not appreciate the fact that securing a job within one year from the date of death of her husband was not within her powers and it was within the powers of the authorities i.e., the CPWD. It is further stated that Smt. Bhattacharjee had applied for a job on compassionate ground well in time, but the employing authority dilly-dallyed with her application and she ultimately got her appointment on 24-07-1992, i.e., about two months later than the stipulated period of 12 months and, therefore, it is stated that if anybody had to be blamed for this delay it was the employing authority and not Smt. Bhattacharjee, but the Estate Manager did not consider it and he ordered Smt. Bhattacharjee to pay Rs. 48,989/- after evicting her from the qua. er. It is also further stated that the Estate Manager once asked Smt. Bhattacharjee through

Executive Engineer concened to apply for regularisation of accommodation in prescribed performa which she did, but instead of regularising the accommodation, he evicted her from the flat and charged damage of Rs. 48,989/- and issued recovery notice. It has been stated in this connection that so far as the rule in this regard is concerned it requires that dependant of a Government Servant should get an Employment under the Government within 12 months from the date of death of the Government Servant and the accommodation allotted to the deceased should not be evicted in the meanwhile, but in the present case it is obvious that it was not on account of any fault on the part of the workman that the employment order could not be received by her within the stipulated period of 12 months and, therefore, she could not be held responsible in view of the fact that the provision is not mandatory; rather, it is to be treated as just a directory provision and in this view of the matter, it has been stated on behalf of the union that the action of the Estate Manager and the C.P. W.D. is wrong and erroneous and unjust and it should be quashed.

3. However, two different written statements have been filed on behalf of the management. One on behalf of the Estate Manager, Calcutta and another on behalf of the Chief Engineer, Eastern Zone - I of C.P.W.D., Calcutta. So far as the written statement of the Chief Engineer is concerned, it is stated that the reference itself is not maintainable in law because the subject matter of reference as specified in the schedule exclusively relates to recovery of a specified amount imposed by a quasi-judicial authority and does not come within the purview of the Tribunal under the Third Schedule of the Industrial Dispute Act, 1947. It is stated that the cause of action of the workman does not vest the subject with the nature and character of an 'industrial dispute' in terms of the definition under Section 2(k) of the Industrial Disputes Act, 1947. Further, it is stated that the reference is also not maintainable because the order of reference passed by the appropriate Government specifies Section 2A of the Industrial Dispute Act, but it could not be covered under Section 2A. It is also further stated that the C.P.W.D. has nothing to do with the order in question and actually the authorities of the C.P.W.D. had recommended the allotment and regularisation of the quarter concerned to Smt. Bhattacharjee, but the Estate Manager in his own jurisdiction decided to refuse the recommendation and passed order of eviction as well as of realisation of the penal amout from Smt. Bhattacharjee and, therefore, there is no question of issuing any directive against the C.P.W.D.

4. So far as the written statement filed on behalf of the Estate Manager is concerned, it has been stated that the Estate Manager does not happen to be employer of the workman, Smt. Kalpana Bhattacharjee and in fact the dispute should have been raised by the workman before

the Estate Officer himself according to law but it has not been done and as regards the allegation it is stated that Beldar does not belong to essential category as alleged by the workman and also her employer which categorised Assistant Plumber within the purview of essential category. It is stated that although Beldar is different from Assistant Plumber which is altogether a separate designation, since the employer of the workman certified her to be construed as belonging to essential service category in its letter, the case of the workman was considered for allotment, but it did not regularise unauthorised occupation of the workman and as such, she is liable to pay damages. It is also further stated that the calculation of damages was made as per rules and the quantum of such damage was never in question. It has been stated that since the post of Beldar itself does not fall under the category of essential staff and since the workman also did not get appointment within 12 months from the date of death of her husband, the request of regularisation of Flat No. 574, Type-I, AF Salt Lake could not be granted as it is not permissible under the allotment rules. It has been stated that Smt. Bhattacharjee should have vacated the flat first and then she should have applied for further government accommodation as per rules. It has been further stated that when the Government Servant accepts the Government accommodation, he or she shall declare to abide by the Allotment of Government Residence Rules and accordingly, Smt. Bhattacharjee is liable to pay Rs. 48,989 since she over-stayed in the Government accommodation. In this view of the matter, it has been stated on behalf of the Estate Manager that the order of recovery cannot be questioned and there is no scope for its being quashed or set aside.

5. So far as the parties are concerned, none of the parties adduced any oral evidence in the case and all the Advocates agreed that there is no necessity of any oral evidence being adduced because the facts are all admitted. However, several documents have been filed by all the parties and the same are on record, but the documents do not have any significance at all in view of the admitted position of facts.

6. It is not disputed by anybody that Smt. Bhattacharjee used to live in the quarter concerned alongwith her husband and children since long and it is also not disputed that her husband died on 06-05-1991. It is also not disputed that after 06-05-1991 Smt. Bhattacharjee continued to reside in the quarter erstwhile occupied by her late husband alongwith her children and it is also not denied that Smt. Bhattacharjee received her appointment as Beldar from the CPWD on 25-07-1992. It is also not denied that Smt. Bhattacharjee applied for regularisation of the quarter under her occupation after the death of her husband and it is also not denied that the authorities of the CPWD, i.e., the Executive Engineer and the Superintending Engineer made recommendations in her favour to the Estate

Manager. It is obvious that so far as the allotment of a quarter is concerned, it is to be done under the rules and the allotment, eviction and charging of penalty etc. is within the jurisdiction of the Estate Manager. The rules are there and according to rules it appears that after the death of a Government servant if the defendant, either the wife or the children, applies for appointment on compassionate ground, he/she shall have to obtain or procure the appointment within 12 months from the date of death of the Government servant during which period they can occupy the quarter of the deceased Government servant as licensee and if the defendant of the deceased Government servant, who is subsequently appointed, is entitled to the same type of quarter, the quarter may be allotted to such defendant and the occupation may be regularised in this manner, but if this event does not happen within 12 months from the date of death of the Government servant in occupation of the quarter, the quarter cannot be allowed to be occupied by the defendants. In this case it has happened that though it was not on account of any fault on the part of Smt. Bhattacharjee that she did not get her appointment letter in time, but she was appointed more than 2 months after the expiry of the stipulated period of 12 months from the date of death of her husband. However, it is disputed by the Estate Manager that the post to which she was appointed belonged to the essential maintenance category, but he has conceded that if the employers in the CPWD have accepted it, then he had no reason to enter into this controversy, but at the same time it has been contended on behalf of the State Manager that under the rules the workman concerned, Smt. Bhattacharjee was not entitled to continue in occupation of the quarter earlier allotted in favour of her husband after a period of 12 months from the date of his death when she did not procure her appointment letter. So far as the relaxation of the rule is concerned, there is no material to show whether it can be done or whether it can be done by the Estate Manager himself or not. No such effort was made. So far as the Estate Manager is concerned, he simply passed the order or eviction in accordance with the provisions of the rules and he also calculated the damage and the licence fee according to rules and issued the recovery order. So this order is clearly an order of quasi-judicial authority.

7. In this connection it has been submitted on behalf of the Estate Manager that it was observed and held by their Lordships of the Hon'ble Supreme Court in a case of *Union of India v. Sh. Rasila Ram and Ors.* [JT 2000(10) SC588] that the Administrative Tribunal has no jurisdiction to go into the legality of the order passed by the competent authority under the Public Premises Act, 1971. It has been submitted on behalf of the Estate Manager in the present case also it is obvious that the order of recovery of the amount is a quasi-judicial order and this Tribunal has no

jurisdiction to look into it or interfere with the order of the quasi-judicial authority. It has also been emphatically urged on behalf of the Estate Manager that the present reference cannot be treated as a proper reference because it is a case of a public servant of a Government Department and the Government Department cannot be treated as an 'industry'. It has also further been urged on behalf of the Estate Manager that the Estate Manager has only the authority and control over the quarters which are the properties of the Central Government and it had nothing to do with the employment of the workman concerned and, therefore, the Estate Manager cannot be treated as an employer and if it is so that the Estate Manager does not happen to be an employer, the relationship of employer and employee does not exist between the Estate Manager and the workman concerned and, therefore, the present case cannot be treated to be a case of an industrial dispute. It has also been conceded that so far as the recovery of penal amount or damages is concerned, it is not covered by third Schedule of the Industrial Disputes Act and, therefore, the present dispute cannot be termed as an 'industrial dispute'. There is substance in the contention.

8. Therefore, the facts remain that the present dispute cannot be termed as an 'industrial dispute' within the definition of Section 2(k) of the Industrial Disputes Act, 1947 and so far as the order of recovery of the amount is concerned, it has actually been passed by a quasi-judicial authority and it cannot be a subject-matter of challenge before this Tribunal. In this view of the matter, the claim put forward on behalf of the union for the workman concerned is not fit to be entertained. The workman concerned, therefore, is not entitled to any relief what-so-ever.

9. Accordingly, the reference is decided and disposed of.

Dated, Kolkata,
The 15th March, 2002.

B. P. SHARMA, Presiding Officer

नई दिल्ली, 26 जून, 2003

का. आ. 2074.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी. /आर./98/94) को प्रकाशित वार्ता है, जो केन्द्रीय सरकार को 25-06-2003 को प्राप्त हुआ था।

[सं. एल-22012/114/94-आई.आर. (सी-II)]
एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 26th June, 2003

S.O. 2074.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/98/94) of the Central Government Industrial Tribunal cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 25-06-2003.

[No. L-22012/114/94-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

PRESIDING OFFICER: Shri R. K. Dubey

Case No. CGIT/LC/R/98/94

Shri Vinod, S/o Gendalal,
through Secretary,
Rashtriya Koya Khadan Mazdoor Sangh (INTUC),
Post Chandametta,
Distt. Chhindwara.Applicant

Versus

Deputy Chief Mining Engineer,
Shivpuri Underground Mines,
Post Shivpuri, Teh-Parasia,
Distt. Chhindwara (MP).Non-applicant

AWARD

Passed on this 16th day of June, 2003

1. The Government of India, Ministry of Labour vide Order No. L-22012/114/94/IR (C.II) dated 13/7/94 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the Sub Area Manager Shivpuri Sub Area of Western Coalfields Limited, Pench Area Post Shivpuri, Teh Parasia, Distt. Chhindwara in dismissing Shri Vinod son of Gendalal, Tub Loader, Token No. 2013 of Shivpuri Underground Mines of Western Coalfields Limited, Pench Area from services w.e.f. 25-8-92 is justified ? If not, what relief the workman is entitled to?"

2. During the pendency of the reference applicant workman's counsel Shri S. K. Rao filed an application on behalf of the workman that the applicant has already been reinstated in the service by the non-applicant management

Therefore at present no dispute remain pending.
Applicant counsellor prayed for No Dispute Award.

3. I considered the application filed on behalf of the applicant. As the applicant was reinstated in the service by the non-applicant management, therefore no dispute remains pending. Therefore the reference of the Ministry is answered as No Dispute and the workman already got his relief.

4. The copy of the award be sent to the Ministry of Labour, Govt. of India as per rules.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 26 जून, 2003

का. आ. 2075.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी. एल. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी. जी. आई.टी./एल. सी. /आर./85/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-22012/69/94-आई.आर. (सी-II)]
एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 26th June, 2003

S.O. 2075.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/85/94) of the Central Government Industrial Tribunal cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 25/06/2003.

[No. L-22012/69/94-IR(C-II)]

N. P. KESAVAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Presiding Officer: SHRI R. K. DUBEY

Case No. CGIT/LC/R/85/94

Shri C. R. Choudhary,
Electrical Supervisor,
Ambara Colliery through
Secretary, RKKMS (INTUC),
Post Chandametta, Chhindwara.

Versus

Applicant

The General Manager,
Kanhan Area of WCL,
Western Coalfields Limited,
Post Dungaria, Chhindwara.

Mines Manager, Ambara Colliery
of WCL, Post Ambara,
Chhindwara.

Non-applicant

AWARD

Passed on this 17th day of June—2003

1. The Government of India, Ministry of Labour vide order No. L-22012/69/94/IRC.II dated 4-7-94 has referred the following dispute for adjudication by this tribunals.

"Whether the action of the management of Manager, Ambara Colliery of WCL, Kanhan area of WCL, Chhindwara is justified in not correcting the date of birth from 1-7-32 to 1-5-33 and superannuating Shri C.R. Choudhary electrical supervisor of Ambara Colliery w.e.f. 1-7-92? If not, what relief the concerned workman is entitled to?"

2. During the pendency of the reference applicant workman's counsel Shri S.K.Rao filed an application on behalf of the workman that the workman Shri C.R.Choudhary, Electrical Supervisor was retired from the service of mgt. and the workman/Union is not interested to pursue the case. Therefore at present, no dispute remains pending. Applicant counsellor prayed for No Dispute Award.

3. I considered the application filed on behalf of the applicant, as the applicant has already retired and not interested to pursue his case, the reference of the Ministry is answered as No Dispute.

4. The copy of the award be sent to the Govt. of India, Ministry of Labour as per rules.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 26 जून, 2003

का. आ. 2076.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोलम (संदर्भ संख्या 76/01) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-22012/330/2000-आई.आर. (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 26th June, 2003

S.O. 2076.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the

Government hereby publishes the award (Ref. No. 76/01) of the Industrial Tribunal, Kollam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 25-06-2003.

[No. L-22012/330/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer.

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL KOLLAM

(DATED. THIS THE 4TH DAY OF JUNE, 2003)

PRESENT:—

SHRI C. N. SASHIDHARN

INDUSTRIAL TRIBUNAL

INDUSTRIAL DISPUTE NO. 76/01

BETWEEN:

The Senior Regional Manager,
Food Corporation of India, Kesavasapuram.
Trivendrum.

(By Sri P.R. Gopalakrishnan, Advocate,
Trivendrum)

Managements

Sri. V. Krishnan Nair, Govt. Contractor,
Aswathy. Munnamodu, Vattiyoorkavu,
Trivandrum.

(By Sri Kulathoor S.V. Parameswaran Nair, Advocate,
Trivendrum)

AND

Sri K. Vinod Kumar, Naduthalaaveedu,
Manikanteswaram P.O., Peroorkada, Trivandrum.

Workman

(By Sri J. Kesavankutty Nair, Advocate, Trivendrum)

AWARD

1. The Government of India, Order No L-22012/330/2000-IR (C-II) dated 3-8-2001 have referred this industrial dispute to this Tribunal for adjudicating the following issue :

"Whether the management of FCI in relation to their Regional Office at Kesavadasapuram, Trivandrum is liable to reinstate and regularies the services of

Sri K. Vinod Kumar, a worker who was engaged through their contractor Sri. V. Krishnan Nair, on the permanent rolls of FCI? If so, what relief he is entitled to?"

2. In pursuance to notice issued from this Tribunal all parties entered appearance and filed statements advancing the respective contentions. On 4-2-2003 when the case was taken up for statement of second management, the workman remained absent. Hence the case was adjourned for disposal to 25-2-2003. On the day the second management filed statement and the council for the workman submitted that petition for setting aside disposal order was being filed. Hence the case was adjourned to 14-4-2003. On that day there was no sitting and the case was posted to 27-5-2003. On 27-5-2003 the worker and council remained absent without any reason what so ever. No petition was also seen filed setting aside the disposal order as submitted on 25-2-2003. The workman was therefore *ex parte* and the case was posted to 3-6-2003 for filing affidavit by the managements in support of their case. On 3-6-2003 the managements have filed affidavit accordingly. The case was therefore closed for award.

3. In the affidavits filed by the managements it is stated that the workman was never employed by the managements at any point of time for work and the present claim is only an experimental one to make some unlawful gain. According to the management the claim of the workman is devoid of merit and he is not entitled to any relief. The above statements remain unchallenged. There are also no reasons to disbelieve the affidavits filed by the managements particularly on the ground that the workman was declared *ex parte*. I accordingly accept the same and hold that the managements have never employed the workman in their service.

4. In view of what is stated above, an award is passed holding that the workman is not entitled to any relief in this reference.

C.N. SASIDHARAN, Industrial Tribunal

नई दिल्ली, 26 जून, 2003

का. आ. 2077.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोलम (संदर्भ संख्या 50/01) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-22012/329/2000-आई.आर. (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 26th June, 2003

S.O. 2077.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/01) of the Industrial Tribunal, Kollam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 25-06-2003.

[No. L-22012/329/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer.

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL KOLLAM

(Dated, this the 4th day of June, 2003)

Present :—

SHRI C. N. SASIDHARAN

INDUSTRIAL TRIBUNAL

IN

INDUSTRIAL DISPUTE NO. 50/01

BETWEEN :

1. The Senior Regional Manager,
Food Corporation of India,
Kesavadasapuram,
Trivandrum.

(By Sri P.R. Gopalakrishnan,
Advocate, Trivandrum)

....Management.

2. Sri. V. Krishanan Nair,
Govt. Contractor,
Aswathy, Munnammodu,
Vattiyoorkavu,
Trivandrum.

(By Sri A. J. Mohammed Sali, Advocate, Trivandrum)

AND

Sri R. Girish, TC. 14/1621,
Plavarakizhakkemadom, Vazhuthacaud,
Trivandrum.

....Workman

(By Sri J. Kesavankutty Nair, Advocate, Trivandrum)

AWARD

1. The Government of India, Order No. L-22012/329/2000-IR (C-II) dated 28-5-2001 have referred this industrial

dispute to this Tribunal for adjudicating the following issue :

“ Whether the management of Food Corporation of India in relation to their Regional Office at Kesavadasapuram, Trivandrum is liable to reinstate and regularise the services of Sri R. Girish, a worker who was engaged through their contractor Sri. V. Krishnan Nair, on the permanent rolls of Food Corporation of India? If so, what relief he is entitled to?”

2. In pursuance to notice issued from this Tribunal all parties entered appearance and filed statements advancing their respective contentions. On 4-2-2003 when the case was taken up for statement of second management, the workman remained absent. Hence the case was adjourned for disposal to 25-2-2003. On that day the second management filed statement and the counsel for the workman submitted that petition for setting aside disposal order was being filed. Hence the case was adjourned to 14-4-2003. On that day there was no sitting and the case was posted to 27-5-2003. On 27-5-2003 the worker and counsel remained absent without any reason what so ever. No petition was also seen filed for setting aside the disposal order as submitted on 25-2-2003. The workman was therefore set ex parte and the case was posted to 3-6-2003 for filing affidavit by the managements in support of their case. On 3-6-2003 the managements have filed affidavit accordingly. The case was therefore, closed for award.

3. In the affidavits filed by the managements it is stated that the workman was never employed by the managements at any point of time for work and the present claim is only an experimental one to make some unlawful gain. According to the management the claim of the workman is devoid of merit and he is not entitled to any relief. The above statements remain unchallenged. There are also no reasons to disbelieve the affidavits filed by the managements particularly on the ground that the workman was declared ex parte. I accordingly accept the same and hold that the management have never employed the workman in their service.

4. In view of what is stated above, an award is passed holding that the workman is not entitled to any relief in this reference.

C.N. SASIDHARAN, Industrial Tribunal

नई दिल्ली, 26 जून, 2003

का. आ. 2078.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनबंध में

निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोलम (संदर्भ संख्या 51/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-22012/331/2000-आईआर (सी-II)]
एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 26th June, 2003

S.O. 2078.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/2001) of the Industrial Tribunal, Kollam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 25-06-2003.

[No. L-22012/331/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL KOLLAM

(Dated, this the 4th day of June, 2003)

Present :

SHRI C. N. SASIDHARN

INDUSTRIAL TRIBUNAL

IN

INDUSTRIAL DISPUTE NO. 51/2001

BETWEEN:

1. The Senior Regional Manager,
Food Corporation of India,
Kesavadasapuram, Trivandrum.

(By Sri P. R. Gopalakrishnan, Advocate,
(Trivandrum)) ...Managements

2. Sri V. Krishnan Nair,
Govt. Contractor,
Aswathy, Munnamoodu,
Vattiyoorkavu, Trivandrum.

(By Sri Kulathoor S. V. Premakumaran Nair, Advocate,
Trivandrum)

AND

Sri K. Sreedharan Nair, Kochumullachira
Veedu, Arapura P.O. Vithura, Trivandrum.Workman

(By Sri J. Kesavankutty Nair, Advocate, Trivandrum)

AWARD

The Government of India, as per Order No. L-22012/231/2000-IR (C-II) dated 28-5-2001 have referred this industrial dispute to this Tribunal for adjudicating the following issue :

“ Whether the management of Food Corporation of India in relation to their Regional Office at Kesavadasapuram, Trivandrum is liable to reinstate and regularise the services of Sri K. Sridharan Nair, a worker who was engaged through their contractor Sri. V. Krishnan Nair, on the permanent rolls of the Food Corporation of India? If so, what relief he is entitled to?”

2. In pursuance to notice issued from this Tribunal all parties entered appearance and filed statements advancing the respective contentions. On 4-2-2003 when the case was taken up for statement on second management, the workman remained absent. Hence the case was adjourned for disposal to 25-2-2003. On that day the second management filed statement and that counsel for the workman submitted that petition for setting aside disposal order was being filed. Hence the case was adjourned to 14-4-2003. On that day there was no sitting and the case was posted to 27-5-2003. On 27-5-2003 the worker and counsel remained absent without any reason whatsoever. No petition was also seen filed for setting aside the disposal order as submitted on 25-2-2003. The workman was therefore set ex-parte and the case was posted to 3-6-2003 for filing affidavit by the managements in support of their case. On 3-6-2003 the managements have filed affidavit accordingly. The case was therefore closed for award.

3. In the affidavits filed by the managements it is stated that the workman was never employed by the managements at any point of time for work and the present claim is only an experimental one to make some unlawful gain. According to the management the claim of the workman is devoid of merit and he is not entitled to any relief. The above statements remain unchallenged. There are also no reasons to disbelieve the affidavits filed by the managements particularly on the ground that the workman was declared ex-parte. In accordingly accept the same and hold that the management have never employed the workman in their service.

4. In view of what is stated above, an award is passed holding that the workman is not entitled to any relief in this reference.

C.N. SASIDHARAN, Industrial Tribunal

नई दिल्ली, 26 जून, 2003

का. आ. 2079.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोल्लम (संदर्भ संख्या 52/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2003 को प्राप्त हुआ था।

[सं. एल-22012/332/2000-आई.आर. (सी-II)]
एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 26th June, 2003

S.O. 2079.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 52/2001) of the Industrial Tribunal, Kollam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 25-06-2003.

[No. L-22012/332/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer.

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL KOLLAM

(Dated, this the 4th day of June, 2003)

PRESENT:

SHRI C. N. SASIDHARN

INDUSTRIAL TRIBUNAL

IN

INDUSTRIAL DISPUTE NO. 52/2001

Between

1. The Senior Regional Manager,
Food Corporation of India,
Kesavadasapuram,
Trivandrum.

(By Sri P.R. Gopalakrishnan,
Advocate, Trivandrum)

2. Sri. V. Krishnan Nair,Managements
Govt. Contractor,
Aswathy, Munnamoodu,
Vattiyoorkavu, Trivandrum.

(By Sri Kulthoor S. V. Parameswaran
Nair, Advocate, Trivandrum)

And

Sri V. Rajesh, Maruthumoodu Veedu,
Anapara P.O. Vithura, Trivandrum.Workman

(By Sri J. Kesavan Kutty Nair, Advocate, Trivandrum)

AWARD

The Government of India, as per Order No. L-22012/332/2000-IR (C-II) dated 28-5-2001 have referred this industrial dispute to this Tribunal for adjudicating the following issue :

"Whether the management of Food Corporation of India in relation to their Regional Office at Kesavadasapuram, Trivandrum is liable to reinstate and regularise the services of Sri V. Rajesh, a workman who was engaged through their contractor Sri. V. Krishnan Nair, on the permanent rolls of the Food Corporation of India? If so, what relief he is entitled to?"

2. In pursuance to notice issued from this Tribunal all parties entered appearance and filed statements advancing their respective contentions. On 4-2-2003 when the case was taken up for statement of second management, the workman remained absent. Hence the case was adjourned for disposal to 25-2-2003. On that day the second management filed statement and the counsel for the workman submitted that petition for setting aside disposal order was being filed. Hence the case was adjourned to 14-4-2003. On that day there was no sitting and the case was posted to 27-5-2003. On 27-5-2003 the worker and counsel remained absent without any reason whatsoever. No petition was seen filed setting aside the disposal order as submitted on 25-2-2003. The workman was therefore set ex-parte and the case was posted to 3-6-2003 for filing affidavit by the managements in support of their case. On 3-6-2003 the managements have filed affidavit accordingly. The case was therefore closed for award.

3. In the affidavits filed by the managements it is stated that the workman was never employed by the managements at any point of time for work and the present claim is only an experimental one to make some unlawful gain. According to the management the claim of the workman is devoid of merit and he is not entitled to any relief. The above statements remain unchallenged. There are also no reasons to disbelieve the affidavits filed by the managements particularly on the ground that the workman was declared ex-parte. I accordingly accept the same and hold that the managements have never employed the workmen in their service.

4. In view of what is stated above, an award is passed holding that the workman is not entitled to any relief in this reference.

C.N. SASIDHARAN, Industrial Tribunal

नई दिल्ली, 26 जून, 2003

का० आ० 2080.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रो० अलाउद्दीन शेख के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण धनबाट नं० 2 के पंचाट (संदर्भ संख्या 72/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2003 को प्राप्त हुआ था।

[सं. एल-29012/23/2000-आई.आर.(विविध)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 26th June, 2003

S.O. 2080.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 72/2000) of the Central Government Industrial Tribunal-cum-Labour Court Dhanbad No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Prop. Allaudin Sheikh and their workmen, which was received by the Central Government on 26-6-2003.

[No. L-29012/23/2000-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT:

Shri B. Biswas,
Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 72 OF 2000

PARTIES: Employers in relation to the management of Prop. Allaudin Sheikh and their workmen.

APPEARANCES:

On behalf of the workmen : None.

On behalf of the employers : None.

State : Jharkhand Industry : Stone Mines.

Dated, Dhanbad, the 10th June, 2003.

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29012/23/2000/IR(M) dated the 20th June, 2000.

SCHEDULE

“Whether the action of management of Prop. Allauddin Sheikh and Bhaju Sheikh in terminating the services of their workmen Sh. Jakir Hussain, Bhidu Sheikh and Raju Sheikh w.e.f. 20-12-98 is justified? If not, to what relief the concerned workmen are entitled?”

2. In this reference neither the concerned workmen nor their representative appeared before this Tribunal. The management also did not appear in this Reference. It is seen from the record that the instant reference was received by this Tribunal on 2-8-2000 and since then it is pending for disposal. Registered notices were also issued to the workmen as well as to the management but none of them turned up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workmen within 15 days is a mandatory one. The concerned workmen not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workmen/union, to assist the Court to dispose of the reference in issue on merit. In view of the decision of the Hon'ble Apex Court reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the parties inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workmen and as a result they have been deprived of getting any justice. Until and unless the attitude of the Union is changed I consider that this un-called for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation on both sides. Here record will clearly expose that sufficient opportunities had been given to the parties but yielded no result. This attitude shows clearly that the parties are not interested to proceed with the hearing of the case for disposal on merit.

In view of the facts and circumstances, I do not find any sufficient reason to drag on the case for an indefinite

period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 26 जून, 2003

का. आ. 2081.—औद्योगिक विवाद अधिनियम, 1947 (1947- का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कार्पोरेशन लिंग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुंबई नं. 1 के पंचाट (संदर्भ संख्या 51/1989) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2003 को प्राप्त हुआ था।

[सं. एल-30012/25/89-आई.आर. (विविध)]

बी. एम. डेविड, अधर सचिव

New Delhi, the 26th June, 2003

S.O. 2081.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/1989) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 1 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Petroleum Corp. Ltd. and their workman, which was received by the Central Government on 26-6-2003.

[No. L-30012/25/89-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1 AT BOMBAY
(PRESIDING OFFICER : JUSTICE S. N. KHATRI)

REFERENCE NO.CGIT-51 OF 1989

PARTIES :—Employers in relation to the management of Bharat Petroleum Corporation Ltd., Bombay

AND

their workmen.

Appearances:—

For the Management : Shri Pota and Palshikar,
Advocates

For the Workmen : Shi R. S. Parmar, Advocate

Industry : Oil & Natural Gas

State : Maharashtra

Bombay, dated the 17th day of August, 1990.

AWARD PART-I

The Central Government has referred the following Industrial Dispute to this Tribunal for adjudication under Section 10 of the Industrial Disputes Act, 1947.

“Whether the action of the management of Bharat Petroleum Corporation Ltd. in dismissing Mr. Ahmed P. Patel, Driver, from service vide their Order dated 31-8-1987 is justified. If not, what relief is the workman entitled to?”

2. This part of the Award disposes of the preliminary issue whether the domestic inquiry stands vitiated *inter alia* on account of the Enquiry Officer’s refusal to allow the Workman to be represented by an Advocate.

3. The material facts relating to the preliminary issue are not in dispute. Ahmed Peer Mohammad Patel (hereafter the ‘Work’) had been in the employ of the Bharat Petroleum Corporation, Ltd., Bombay (hereafter ‘the Management’) as Heavy Vehicle Driver since August 1982. A domestic inquiry was started against him on the orders of the Senior Installation Manager, Sewree, dated 24-4-1987, on the charges of “Fraud/dishonesty in connection with the employer’s business” and “committing an act subversive of discipline”. The allegations against the Workman were that in the application made by him to the Management on 23-8-82 (Ex.M-1) for employment, he intentionally gave false date of his birth, namely, 19-8-53, and also produced a document purporting to be an original school certificate showing this date as his birth date. In 1970, the Workman had made an application to the Regional Transport Authority for obtaining a heavy vehicle driving license in which he had stated 19-8-46 as his birth date. On investigation with the authorities of the K. M. S. Parel Night High School, it turned out that School Leaving Certificate No. 3196 dated 30-10-69 produced by the Workman at the time of his employment was not at all issued to him any time and further that the certificate bearing No. 3196 was in fact issued to one Ahmed Peer Mohammad Pathan on 30-7-69, a date different from 30-10-69 obtaining on the certificate produced by the workman.

4. The inquiry was entrusted to one Shri V.B. Pitale, an officer of the Management. He issued the chargesheet to the Workman and fixed the inquiry for 4-5-87. On that date, the matter was adjourned to 18-5-87 to enable the Workman to prepare his case and bring his co-employee for assistance. On 18-5-87, the Workman appeared with his co-employee Gaikwad and made an application for copies of all papers so that Gaikwad could study them properly. The Enquiry Officer held that all the documents of which copies were required by the Workman, were in his own possession and as such his request for copies could not be granted. However he was pleased to adjourn the matter to 18-6-87, because of Ramzan fasting. On 18-6-87 the Presenting Officer told the Enquiry Officer that he would

only file documents and not lead any evidence. On the request of the Workman for time to produce certain documents from the school, the matter was adjourned to 25-6-87. On that date, the Workman again requested for adjournment on the ground that he wanted to engage an Advocate and also pressed for copies of documents on which the charges were framed against him. The Enquiry Officer declined the first request on the ground that the Workman had already availed himself of Gaikwad's assistance. As regards the second request, he made an order that copies would be furnished to the Workman, as and when the Presenting Officer tendered them. Then the Presenting Officer started tendering one document after the other, and explaining their relevancy and the Enquiry Officer went on exhibiting them. The enquiry ended without any evidence being recorded on the side of the Management. After the Management closed their case, the Enquiry Officer put a solitary question to Gaikwad, whether the latter wanted to say anything, Gaikwad replied that he could not prepare the explanation for the Workman, because the latter did not get copies of the documents in good time and requested for 20 days time to study the documents. The Enquiry Officer declined the request, with the following observations, which I prefer to reproduce verbatim from the record :

"Most of the documents copies of which have been submitted by the P.O. have been originally presented by the D.E. himself and the details of the deviation alleged to have been made by the D. E. Shri A.P. Patel have been given in the show-cause notice Ref. SEW : 103 : CON dated 12-3-1987. It is evident that there was enough time available for Shri A.P. Patel to have obtained copies of those documents for the purpose of carrying out the required study. As request for permitting time for explanation as well as adjournment of enquiry proceedings were adequately acceded to and in order that the enquiry is not delayed any further, which would amount to delaying justice I am unable to grant this request."

5. Thereupon Gaikwad told the Officer that he had nothing further to say and the latter closed the inquiry. He submitted his report dated 17-7-87 (Ex. M-8) to the Senior Installation Manager. By his order dated 31-8-87 (Ex. M-9), the General Manager (Supplies and Distribution) dismissed the Workman, holding both charges duly proved.

6. The Workman states that the departmental inquiry stands vitiated on account of the Enquiry Officer's declining his requests for Lawyer and for time to study the documents and prepare his defense. According to him this has resulted in gross prejudice to him on merits. The management by their written statement deny that any prejudice has been caused to the Workman on merits. They point out that Gaikwad's services were available to the Workman and in fact the former did effectively represent

the Workman on all material dates. They further state that the Enquiry Officer was right in declining the adjournment on the last date. They have kept their option open to adduce evidence before the Tribunal, in case the enquiry is held to be defective for any reason.

7. I shall first take up the question whether the Enquiry Officer should have granted the request of the Workman to be represented by a Lawyer and whether rejection of this request has prejudicially affected the Workman's defence. Before me neither party has led oral evidence. Document filed by them have been exhibited by consent. I have also heard the Workman in person and Shri Rele for the Management. In my opinion, in the special circumstances of the case, it was necessary for the Enquiry Officer to grant the aforesaid request of the Workman and that denial of Lawyer's assistance has resulted in depriving the Workman of reasonable opportunity to defend himself.

8. The facts are already stated in detail in paras 3 and 4 *supra*. It cannot be denied that the allegation made against the Workman, if duly established, do constitute an offence of committing forgery, punishable under Section 467/471 I.P.C.. For proving the charges, it was necessary for the Management to prove that the School Leaving Certificate which showed the birth date of the Workman as 10-8-53, was a forged document—forged either by the workman himself or someone else for him and was knowingly used by him to obtain employment with the Management. It has to be noted that the allegation that the Workman represented 1946 as his birth year while applying to the Regional Transport Authority for license for driving a heavy vehicle, does not *ipso facto* prove that his real birth date is 19-8-46, much less that the school leaving certificate is forged or that the date 19-8-53 mentioned in the school record and the application for employment to the Management is false. It is equally probable that the date represented to the R.T.A. may be incorrect or false, the motive for the workman being to pass off as a major and eligible for the licence. What I mean to impress is that the facts involved in the inquiry were complicated with pretty serious consequences for the Workman. A lawyer's assistance was absolutely necessary, to enable the Workman to effectively defend himself.

9. The prejudice resulting from the denial of this opportunity to the Workman is writ large on the enquiry proceedings themselves. The Enquiry Officer took the rather unusual course of exhibiting one document after the other, as tendered by the Presenting Officer. It did not occur to him that evidence of witnesses concerned, was absolutely necessary not only to enable the Workman to cross-examine them, but primarily also for the Management themselves to establish their serious allegation against the Workman. The Enquiry Officer did not ask any questions to the Workman on the several documents which he placed on record, without obtaining the Workman's consent or

examining any witnesses. Initially he declined to grant copies of certain documents to the Workman on the unsustainable ground that the originals ought to be in possession of the latter. Then he failed to realise that it was not enough for the Workman to get copies of documents, as and when it suited the convenience of the Management to produce them. Needless to say, a Workman—particularly in a case like the present one, which involved complicated allegation with serious consequences—should be entitled to get copies of all documents (at least all material documents) sought to be relied upon by the Management in advance before examination of witnesses starts so that he can have a conspectus of the Management's case and evidence in one piece and effectively and meaningfully prepare his defence. On 25-6-87, it appears that the Management did furnish copies of the several documents produced by them and exhibited by the Enquiry Officer. However the Enquiry Officer failed to appreciate that it would be well-nigh impossible for the Workman, even with the assistance of Gaikwad, who is no more than a Clerk—to explain as many as ten documents and adverse circumstance. Indeed the situation was made virtually intractable by the Enquiry Officer's failure to put each document to the Workman and invite his explanation on adverse circumstances. I am pointing out these aspects, not to blame the Enquiry Officer as such, my only endeavour is to stress that if the Workman had been allowed to be represented by a Lawyer, the enquiry officer also would have got the benefit of useful and right advice on material aspects—such as examining witnesses concerned in order to prove the documents and other missing links, if any, and follow the principles of natural justice. Much more important thing was that the Workman would have been properly equipped to put his defence effectively.

10. The legal position on the question relating to a Workman's right to be represented by a Lawyer is by now more or less well settled. As observed by a Division Bench of the Bombay High Court in 1986 **I.L.L.N. 743 A.B. Furtado Vs. Chairman and Managing Director, Bank of India, Bombay and others** although ordinarily Courts should discourage the involvement of legal practitioners in domestic inquiries in order to avoid delay and complexities, nevertheless, it cannot be ignored that in exceptional cases, representation by a lawyer is necessary, for otherwise there may be a failure of the inquiry itself and a denial of a proper and effective defence. In the aforesaid case the charge against the Workman was of misappropriation and fraud in respect of Bank funds. It was held by the High Court that the charge was serious in nature, which, if proved, may invite evil consequences for the Workman, such as loss of reputation and means of livelihood. Lawyer's assistance

was held necessary, despite the fact that neither the Enquiry Officer nor the Presenting Officer was an Advocate or otherwise trained in Law. In my humble opinion ratio of the Furtado's case applies to the fact of the present case with all force.

11. Shri Rele for the Management has relied, upon a decision of the Bombay High Court (Pondse J.) in **'W.P. No. 1325/90 Burrough Wellcome (India) Ltd. Vs. V.V. S. Gurao and one another dated 11th June, 1990**, for the proposition that a lawyer cannot be permitted to represent a workman in a domestic inquiry, unless the standing orders applicable to him enable him to. The case is clearly distinguishable on facts. The question was not whether a Workman is at all entitled to be represented by a Lawyer under any circumstances. The question was whether a Workman had a right to be represented by any person of his choice—in the case, by one Carrapiete—and the Court held that the Workman had no such choice, unless granted by Standing Orders. There is nothing in the judgement to suggest that the Carrapiete was a lawyer. The aforesaid ruling is not applicable here. At all any authority was needed for the well established principle that in proper and special circumstances the workman has a right to be represented by a lawyer, notwithstanding that the relevant Rules do not provide for such right, reference may be made with advantage to the Supreme Court decision reported in 1983 **I.L.L.N. 314 Board of Trustees of the Port of Bombay and a Division Bench decision of our High Court in 1984 II L.L.N. 294 Ghatge Patil Transport (Pvt.) Ltd. Vs. B.K. Etele and others**. It is not necessary to multiply authorities on this proposition.

12. The fact that Gaikwad had appeared for the Workman on the last 3 dates, does not, in the peculiar circumstances of the present case, make any difference. Gaikwad could do nothing for the Workman. On the last date, the Enquiry Officer adopted the unusual course of exhibiting documents, one after the other, without examining any witness connected with them. The seriousness of the questions involved was not sufficiently present to his mind. He should have granted the Workman's request for Lawyer, although it had technically come late. On the peculiar facts of the case, I am not impressed by the Management's submission that Gaikwad's assistance should be treated as adequate.

13. The result of the above discussion is that in the present case serious prejudice has resulted to the Workman by the Enquiry Officer's declining the request of the Workman to engage a lawyer. In the peculiar and special circumstance of the case, the Workman was very much entitled to a Lawyer's assistance. Indeed the prejudice caused is so gross that in the words used in Furtado's case, there has been a failure of the inquiry itself. The

findings on serious charges have been reached in absence of legal evidence. Indeed, I would have been inclined to treat the inquiry as bad, even *de hors* the factor of lawyer's assistance.

14. The domestic inquiry is hold to be bad in law. As the Management have reserved their option in their written statement to lead evidence on the merit of the charges, both sides will be entitled to lead evidence before the Tribunal. Costs so far to abide the final result.

S. N. KHATRI, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1

MUMBAI

Present

Shri Justice S. C. Pandey
Presiding Officer

REFERENCE NO. CGIT-51/1989

Parties : Employers in relation to the management of Bharat Petroleum Corporation Ltd.

And

Their Workman

Appearances :

For the Management	:	Mr. R. S. Pai, Adv.
For the Workman	:	Mr. M. B. Anchan, Adv.
State	:	Maharashtra

Mumbai, dated the 12th day of June, 2003

AWARD PART-II

1. This is a reference made by the Central Govt. in exercise of its powers under clause (d) of Sub-section (1) and Sub-section 2 A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) on the following terms:

"Whether the action of the management of Bharat Petroleum Corporation Ltd. in dismissing Mr. Ahmed P. Patel, Driver, from service vide their Order dated 31-8-1987 is justified. If not, what relief is the workman entitled to?"

2. It appears that this Tribunal had given part-I award dated 17th August, 1990 holding that the domestic enquiry is bad in law. The management of the Corporation was given option to lead evidence on merits of the charges.

It appears that both the parties have been seeking time on the ground that writ petition was pending in the High Court. When this Tribunal required the counsel for the Bharat Petroleum Company to file a stay order of the High Court, it was not produced. The case adjourned from time to time. On 21-1-2003 Mr. Anchan, Advocate appeared for the workman. On 27-3-2003 none appeared for the workman. A notice was issued to workman for his appearance on 06-6-2003 under certificate of posting. On 6-6-2003 Mr. Anchan, Advocate appeared for the workman. He made a statement at the bar to the effect that the workman is not interested in contesting the matter. Accordingly, this matter disposed of.

3. This Tribunal is of the opinion that it would be futile to insist that the opposite party should still lead evidence when the workman does not want to contest the case.

The reference, is therefore, answered by saying that subsequent to the delivery of part I Award, the workman has indicated to this Tribunal through his counsel on 06-06-2003 that he does not want to contest further. In view of the aforesaid statement, it is held that dispute does not survive for final adjudication. The reference is accordingly answered. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 26 जून, 2003

का. आ. 2082.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण/प्रम न्यायालय, अजमेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2003 को प्राप्त हुआ था।

[सं. एल-40011/29/2000-आई.आर. (डी. यू.)]

बी. एम. डेविड, अवकर सचिव

New Delhi, the 26th June, 2003

S.O. 2082.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ajmer as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Deptt of Post and their workman, which was received by the Central Government on 26-6-2003.

[No. L-40011/29/2000-IR(DU)]

B. M. DAVID, Under Secy.

अनुबन्ध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठासीन अधिकारी : अतुल कुमार जैन, आरएचजे-एस

प्रकरण संख्या-सीआईआर 02/01

केंद्र सरकार का श्रम न्यायालय का रेफरेंस पत्र क्रम एल-
40011/29/2000/आईआर (डीयू) दिल्ली 30-10-2000

रामपाल छीपा पुत्र छोगालाल छीपा, पोस्टमैन, विजयनगर,
अजमेर

प्रार्थी

बनाम

अध्यक्ष, डाकघर, ब्यावर मंडल, ब्यावर जिला अजमेर

... अप्रार्थी/विपक्षी

उपस्थित : श्री एस.के. भार्गव, एडवोकेट, प्रार्थी की ओर से।

: श्री ठहल बुलानी, एडवोकेट, विपक्षी की ओर से।

दिनांक : 18-6-2003

अवार्ड

इस प्रकरण में केंद्र सरकार से प्राप्त रेफरेंस निम्न प्रकार था :—

“क्या प्रार्थी रामपाल छीपा (पोस्टमैन) को विपक्षी द्वारा दि. 1-9-90 से लगाने वाली एक वेतन वृद्धि नहीं दी जाना अनुचित एवं अवैध था एवं यदि हां तो प्रार्थी किस राहत को पाने का अधिकारी है ?”

प्रार्थी ने अपना स्टेटमेंट ऑफ क्लेम दि. 18-4-01 को पेश किया था। विपक्षी ने अपना जवाब दि. 13-8-01 को पेश किया था। क्लेम के समर्थन में प्रार्थी ने अपना हलफनामा पेश किया था जिस पर विपक्षी ने उससे जिरह की है। विपक्षी की ओर से पहले तत्कालीन जे.पी. शर्मा, अधीक्षक, डाकघर, ब्यावर का हलफनामा पेश हुआ था लेकिन उक्त अधिकारी का जिरह के समय ट्रांसफर हो जाने के कारण विपक्षी ने दूसरा शपथ पत्र परचात्वर्ती अधीक्षक, डाकघर, ब्यावर श्री आर.एस. उदावत पेश किया है। इस गवाह से प्रार्थी ने जिरह की है। प्रार्थी पक्ष के दस्तावेजात पर प्रदर्श डब. 1 लगायत डब. 13 उभयपक्ष की सहमति से अंकित किये गये हैं। विपक्षी ने कोई दस्तावेज पेश नहीं किये हैं।

इस प्रकरण में उल्लेखनीय बात यह है कि विपक्षी ने अपने जवाब में यह एतराज उठाया है कि प्रार्थी औद्योगिक विवाद अधिनियम के तहत श्रमिक की परिभाषा में नहीं आता है तथा विपक्षी केंद्र सरकार का विभाग होने के कारण प्रार्थी को केंद्रीय सिविल सेवा नियमों के प्रावधानों के अनुसार केंद्रीय प्रशासनिक अभिकरण में दावा करना चाहिए था। विपक्षी के उक्त एतराज का प्रार्थी ने कोई जवाब नहीं दिया है। प्रार्थी

ने केंद्रीय प्रशासनिक अधिकरण में जाने के बजाय शॉट-कट तरीका अपनाने का अनुचित प्रयास किया है। प्रार्थी ने अपने आपको श्रमिक साबित करने के लिए कोई साक्ष्य प्रस्तुत नहीं की है। उसने यह भी जाहिर नहीं किया है कि विपक्षी के विरुद्ध उसने केंद्रीय प्रशासनिक अभिकरण में नियमानुसार दावा प्रस्तुत कर्मों कर प्रस्तुत नहीं किया है। यहां यह उल्लेखनीय है कि प्रार्थी को चार्जशीट देकर असंचयी प्रभाव से दो वर्ष के लिए विपक्षी ने इनक्रीमेंट रोके थे। प्रार्थी का कहना है कि दोनों वेतन वृद्धि को रोकने के बाबजूद भी इसे 1-9-91 से वेतन वृद्धि का लाभ मिलना चाहिए था। विपक्षी का कहना है कि प्रार्थी को जब 1-9-90 से दो वर्ष के लिए वेतन वृद्धि रोकने के दंड से दंडित किया गया था तो वह सजा समाप्त होने से पूर्व दक्षता अवरोध पार करने का हकदार नहीं था। विपक्षी का कहना है कि उक्त बजह से प्रार्थी को दक्षता अवरोध पार करने की अनुमति 1-9-90 से नहीं दिया जाकर सजा समाप्त होने पर 1-9-91 से दिया जाकर 920/- रु. पर वेतन निर्धारण किया गया था।

प्रार्थी ने जिरह में यह भी स्वीकार किया है कि उसे दी गयी माईनर पैनल्टी के विरुद्ध उसने सर्वप्रथम पोस्टमास्टर, नसीराबाद को अपील की थी जो खारिज हो गयी थी, उसके बाद उसने ब्यावर डिवीजन में अपील पेश की थी जो भी खारिज हो गयी थी, उसके बाद उसने डी.पी.एस. अजमेर में अपील पेश की थी जो भी खारिज हो गयी थी, उसके बाद उसने पोस्ट मास्टर जनरल, अजमेर में अपील पेश की थी जो अभी तक वहां पर लंबित है। उल्लेखनीय है कि प्रशासनिक अपील के लंबित रहते प्रार्थी को वैसे भी श्रम न्यायालय या अन्य न्यायालय का द्वारा नहीं खटखटाना चाहिए था। सेवा नियमों में दिये गये अपील आदि के प्रावधानों को पूरी तरह से उपभोग कर लेने के उपरांत ही कर्मचारी को सामान्यतः न्यायालय में आने की अनुमति दी जानी चाहिए।

इस प्रकार इस प्रकरण में हम यह पाते हैं कि प्रार्थी रामपाल छीपा पुत्र छोगालाल पोस्टमैन ने अपने आपको वर्कमैन होना साबित नहीं किया है तथा इस संबंध में उसने विपक्षी के तर्कों को खंडित करने का कोई प्रयास नहीं किया है। प्रार्थी का मामला केंद्रीय प्रशासनिक अभिकरण के क्षेत्राधिकार का होने की बजह से श्रम न्यायालय में पेश होने योग्य नहीं था। विकल्प में गुणावगुण पर भी प्रार्थी अपना क्लेम साबित नहीं कर सका है।

परिणामतः प्रार्थी रामपाल छीपा का यह क्लेम खारिज होने योग्य है जो एतद्वारा खारिज किया जाता है।

अतुल कुमार जैन, न्यायाधीश
नई दिल्ली, 26 जून, 2003

का.आ. 2083.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध भें निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न० 1 धनबाद के पंचाट (संदर्भ संख्या 8/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2003 को प्राप्त हुआ था।

[सं. एल-40012/179/96-आईआर (डीयू)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 26th June, 2003

S.O. 2083.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/98) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 26-06-2003.

[No. L-40012/179/96-IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD.

In the matter of a reference U.S. 10 (1)(d)(2A) of the Industrial Disputes Act, 1947.

REFERENCE NO. 8 OF 1998.

PARTIES: Employers in relation to the management of Department of Posts Office.

AND

Their Workmen.

Present : Shri S. H. KAZMI, Presiding Officer

APPEARANCES:

For the Employers : None.

For the Workman : None.

State : Bihar. Industry : Postal.

Dated, the 17th June, 2003.

AWARD

By Order No. L-40012/179/96-IR (DU) dated 4-2-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Postal Department in terminating the services of Sh. Sunil Kr. Singh EDMC, Dalpat Bishunpur post office is justified and legal? If not to what relief the workman is entitled to?"

2. It appears from the record that right from the year 1998 this case is still pending for appearance and for filing of the written statement by the workman whereas in the order of reference itself it clearly stands mentioned that the party raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses with the Tribunal within 15 days of the receipt of the order of reference. It further appears that during the pendency of this reference even the registered notice was sent to the concerned workman for the aforesaid purpose but even then that proved to be of no avail and at no stage anyone appeared and took the steps as required. From all such developments it is evident that the workman concerned at whose instance the present case has been referred to this Tribunal for adjudication has lost interest and does not want to pursue this reference any further and when he himself does not appear to be willing to pursue the dispute raised by him, it would be sheer wastage of time to allow this case to remain pending any longer and to grant adjournment after adjournment unnecessarily.

Thus, in view of all the aforesaid the present reference is hereby ordered to be finally disposed of.

S. H. KAZMI, Presiding Officer.

नई दिल्ली, 26 जून, 2003

K.A.O. 2084.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/202/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2003 को प्राप्त हुआ था।

[सं. एल-40012/245/91-आई०आर०(डीयू)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 26th June, 2003

S.O. 2084.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/202/92) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 26-06-2003.

[No. L-40012/245/91-IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CASE NO. CGIT/LC/R/202/92

PRESIDING OFFICER: SHRI R. K. DUBEY

Shri Ved Prakash, S/o Rajpal,
aged about 24 years,
R/o C/o G. S. Gautam,
D-15, Vivek Bihar, Mahleria,
Laskar, Gwalior

Applicant

versus

The Telecommunication District Engineer,
Gwalior.

The assistant Engineer,
Telecom (Long distance), Gwalior.

The Junior Engineer (Long Distance),
Telecom, G-2, Chetakpuri, Gwalior. Non-applicants

AWARD

Passed on this 19th day of June, 2003.

1. The Government of India, Ministry of Labour vide Order No. L-40012/245/91/IRDU dated 2-6-92 has referred the following dispute for adjudication by this tribunal.

"Whether the action of the management of Telecommunication district Engineer, Gwalior in terminating the services of Shri Ved Prakash, S/o Shri Rajpal is justified? If not, what relief the workman concerned is entitled to?"

2. The workman's application in brief is that initially the workman was appointed in the non-applicant's Telecom Department as casual labourer w.e.f. 1-3-85. Since 1987, the applicant has been assigned the work under the JE Long Distance, Telecom, Gwalior. Applicant has been in continuous service but on 1-11-90, he was verbally refused by the authorities for the work. The Honourable High Court in MP No. 2735/90 Ordered the *status-quo* in favour of the workman on 19-11-90. Applicant continued to work for some days but on 8-12-90, a chargesheet was given to the workman and it was alleged that the workman has produced false record from March 85 to May 85. Non-applicant without holding enquiry again verbally stopped the workman from his work. Wages for the month [Matter illegible] 1990 has not been given to the workman. Applicant is entitled to be regularised according to the orders of the Union of India for regularising the services of daily wagers. Under the Industrial Employment (Standing Orders) Act 1946, the holding of the enquiry against the applicant is

necessary. It is prayed by the applicant that the verbal order of his termination is null and void therefore the actions of the respondent be declared as illegal malaified and unjustified. Applicant be reinstated along with his back wages.

3. In spite of several chances given to the respondent to file the written statement, respondents did not file any written statement.

4. The first point for determination in this case is whether the action of the respondents against the workman is illegal and unjustified?

In this respect as I mentioned in last para that the respondent did not care to file any written statement. Only an affidavit filed on behalf of the respondents by Shri P. N. Dubey, SDE, Legal G. M. T. D, Gwalior. In his affidavit, Shri P. N. Dubey made contradictory statement. In para-2, he submitted that the workman was never appointed by the management as casual labour but in cross examination in para-7, Shri Dubey admitted that he filed the affidavit only on the basis of the records and he has no personal knowledge regarding this case. It was admitted by Shri Dubey that the Honourable High Court on 22-11-90 passed a *status-quo* order in favour of the applicant workman and ordered the respondents to give the applicant work.

5. From the perusal of the applicant's affidavit and the submissions made by Shri P. N. Dubey on behalf of the respondent, it is clear that the applicant has worked as casual labourer under the respondents. The only charge mentioned against him is that he gave the false information on his attendance from 1-3-85 to May-1885 and it is also necessary to mention that notice in this respect was given by the AE Telecom to the applicant on 7-12-90 after the lapse of 5 years. This delay is not explained by the respondent. The so-called muster roll was not produced by the respondents before this tribunal. It is also not clear that when the JE (REP) checked and verified the record of applicant and put his signature after verification, then why no action against JE was initiated by the respondent? If the workman has been given any false information, then in this case the officer who check and verify such false information is also accused and the disciplinary action should be started against him but there is no evidence in this case that any action is taken by the respondent against the verifying Officer.

6. After perusal of the record it seems that the management (non applicant) terminated the services of the applicant verbally. It is also necessary to mention that any charges against the applicant is not *prima facie* proved. Therefore it is clear that the action taken by the management against the workman is unjustified, null and void.

7. The Second point for determination is that whether the applicant is entitled to any relief. As I mentioned in last para that the action of the management taken against the applicant workman is illegal, null and void therefore applicant is entitled to put back in service. He shall be given his original seniority and all the wages from Dec. 90 to date be given to him. The wages of the back period shall be paid by the respondent within 3 months from the publication of the award. If the non-applicant in this time limit did not pay back wages to the applicant then the applicant is entitled to 7% interest per annum on the back wages from the date of his dismissal. The cost of this case is fixed as Rs. 2000/- and Rs. 1000/- as Advocate's fees which shall be borne by the non-applicant.

8. The reference given by the Ministry of Labour is answered that the action taken by the Management against the workman is not justified. The workman is entitled to be reinstated and for back wages and expenditure as mentioned in the last para.

9. Copy of the award be sent to the Ministry of Labour, Govt. of India as per rules.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 26 जून, 2003

का. आ. 2085.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/126/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2003 को प्राप्त हुआ था।

[सं. एल-40012/16/92-डी. 2(बी)/आई.आर. (डीयू)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 26th June, 2003

S.O. 2085.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/126/92) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 26-06-2003.

[No. L-40012/16/92-D.2(B)/IR (DU)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

CASE NO. CGIT/LC/R/126/92

Presiding Officer : Shri R.K. Dubey

Shri Kailash Narayan Sharma,
S/O Shri Gyasi Ram Sharma,
R/O Chhota Dullpur,
Near Mella Ground, Gwalior

..... Applicant

Versus

The Chief Manager,
Telecommunication Deptt.
Bhopal

..... Non-applicant

AWARD

Passed on this 20th day of June, 2003

1. The Government of India, Ministry of Labour vide order No. L-40012/16/92-D-2(B)/IR(DU) dated 10-6-92 has referred the following dispute for adjudication by this tribunal:

“Whether the action of the management of SDO (Phones) Gwalior in terminating the services of Shri Kailash Narayan Sharma, S/o Shri Gyasi Ram Sharma is justified ? If not, what relief the workman is entitled ?”

2. The applicant's statement of claim in brief is that he was appointed as daily casual labourer on 1-9-82. Applicant worked under the respondents till June, 87. Respondents did not give the applicant any work during the month of July and August and later SDO Shri P.S. Yadav, Phones, Gwalior verbally terminated the services of applicant in September, 1987. Applicant submitted that he worked for more than 240 days in each year therefore retrenchment compensation must be given to him by the respondents but no such compensation ever given to him. No one months notice for termination were given to him. Applicant after working more than 5 years acquired the status and entitled for the appointment in permanent service. His termination proceedings comes in unfair labour practice. It is prayed by the applicant that his termination order be declared as null and void. Respondents ordered

to re-instate the applicants in service and all his back wages be given to the applicant. The respondents did not file any written statement inspite of the sufficient time given by the court to them. Applicant's right to file written statement was closed on 20-4-99 by giving them the last chance.

3. The 1st point for determination in this case is whether the action of the management in terminating the services of the applicant is justified?

As mentioned by me the no reply of the statement of claim given by the respondents in this case. Non-filing of the written statement indicates that the respondents implidely accepted the case of the applicant. Management Respondent filed only one affidavit of Mr. P.N. Dubey on their behalf but affidavit and evidence of Shri P. N Dubey is worthless. He did not know the facts of the case. He had no knowledge about the co-workers like Javed Khan, Madanlal, Ramesh, Amrit Lal etc. and unable to reply about them. About the identity card filed by the applicant W-I questions were put to Shri P. N. Dubey but he is unable to answer them. In short affidavit and evidence of Shri P. N. Dubey did not help the respondents on any ground. Therefore it is valueless.

4. The affidavit filed by the applicant is clear. Applicant proved identity card W-I. According to W-I., applicant worked for more than 240 days in 12 months before his termination. It is also submitted by the applicant that no notice for termination received by him. No retrenchment compensation received by the applicant workman. From the perusal of the evidence from both side, it is clear that the applicant worked for more than 240 days in the last 12 months preceding his termination. Therefore the action of the management in terminating the applicant without any reason or notice is clearly violation of Sec-25 of I.D. Act. Therefore the action of the management in terminating the applicant is not justified.

5. The 2nd point for determination is whether the applicant workman is entitled for any relief or not?

In the last para, I concluded that the termination order of the applicant's services by the respondent is not justified and illegal therefore in this case, the applicant is entitled for his reinstatement in service with full seniority and full back wages from the respondent. Therefore it is ordered that the respondent within 3 months of the publication of the order reinstate the applicant with full back wages and bonuses if any in applicant's service. If the respondents did not comply with the order of the termination within the stipulated period, then the respondents should have to pay 7% interest on the back wages. Respondents also have to pay Rs. 2000/- as court expenditure and Rs. 1000/- as Advocate's fees.

6. The reference of the Ministry is answered that the action of the management in terminating the services of

Shri Kailash Narayan Sharma is illegal and the applicant is entitled for reinstatement with full back wages and bonus.

7. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

R. K DUBEY, Presiding Officer

नई दिल्ली, 26 जून, 2003

का. आ. 2086.—औद्योगिक विवाद-अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/185/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2003 को प्राप्त हुआ था।

[सं. एल-40012/123/94-आई.आर. (डीयू)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 26th June, 2003

S.O. 2086.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/185/95) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 26-6-2003.

[No. L-40012/123/94-IR (DU)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL-TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

NO. CGIT/LC/R/185/95

Presiding Officer : Shri R. K. Dubey

Shri Rajkumar Bhatele,
S/o Chhotelal Bhatele,
Rammnagar Colony,
Naka chandradvadni Lashkar,
Gwalior.

..... Applicant

Versus

The Chief General Manager,
Telecommunication, MP Circle,
Bhopal.

The District Engineer,
Telecom, Distt. Gwalior.

InchargeOfficer,
Long distance, Telecom,
Sub Division, Gwalior.

..... Non-applicants

AWARD

Passed on this 20th day of June, 2003

1. The Government of India, Ministry of Labour vide order No. L-40012/123/94/IR DU dated 27/4/95 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of Telecom Dist. Engineer, Gwalior in terminating the services of Shri Bhatele w.e.f. 31-12-86 is justified or not? If not, what relief the workman is entitled to?”

2. The Statement of claim filed by the applicant in brief is that the applicant was appointed as daily rated labour in the Telecom, Gwalior on 1-12-83 and he was subordinate to the AE Phones Exchange, Gwalior. In 1988, the applicant was transferred in cross bar section under the AE Cross Bar Shri D.D. Gupta. Applicant continued to work till 16th Aug., 1989 and the identity card issued to him in which applicant's working days were shown. Applicant had worked for more than 240 days in each year of service and also in the proceeding 12 months prior to the date of termination. Applicant's services suddenly terminated by the verbal orders of shri D.D. Gupta. Applicant after departmental action applies before the ALC(C), Bhopal. Respondents looking after the proceedings before the ALC(C), Bhopal terminated the applicant to work for one day in March, 1990 and 6 days in April, 90 and after that from 1-5-90 to 7-5-90. But after that again the respondent verbally refused to continue the applicant on duty, applicant reported on 2-7-90 on duty but he was not taken on duty. Applicant filed a writ petition before the High Court bench Gwalior. The High Court directed the Government vide his order dated 29-7-93 to take a final decision. It is submitted by the applicant that the action taken by the respondent against him is illegal and arbitrary. One month notice be given to the applicant before his termination or one month notice pay be given to the applicant. In the case of retrenchment, compensation under Sec-25 (f) and (ff) must be given to the workman. The applicant's juniors were later confirmed in the service. Applicant prayed that the respondents directed to reinstate the applicant with full back wages, allowances and bonus etc. in the service.

3. The non-applicant did not file any written statement inspite of last chance given to him. Therefore the respondents right to file written statement was passed on 20-4-99.

4. The 1st point of determination is that whether the action of the management against the applicant is justified or not?

In this respect, it is necessary to mention that the respondents did not care to file the written statement in this case. Not filing of the written statement can be viewed as the acceptance of the statement of claim. Respondents

filed only one affidavit which is of Shri P. N. Dubey, SDE Legal but even this fellow himself admitted in his cross-examination that he has no personal knowledge about this case. He was cross-examined at length by the applicant counsellor but he is unable to reply clearly any of the question. He did not know whether the applicant continuously worked for 240 days per year or not. He also did not have any knowledge about the proceedings and actions of the Telecom Department in the proceedings before the ALC (C), Bhopal. In short, affidavit and evidence of Shri P. N. Dubey is worthless and have no value whatsoever.

5. The affidavit filed by the applicant is clear to the point and he was cross examined at length. Applicant exhibited Ex.W-1 which is his identity card. In this card, working days of the workman for every month is clearly shown. This card was verified by concerning Junior Engineer. On perusal of this identity card, it is clearly shown that the applicant worked for more than 240 days in each year. Respondent has not pleaded anywhere that the retrenched money and retrenchment notice were ever given to the applicant by the respondents. Therefore it seems that the termination of applicant by the respondent is the clear violation of Sec. 25.B & C of the Industrial Dispute Act. Therefore it seems that the termination of applicant by the respondent is not justified.

6. Next point for determination is whether the applicant is entitled to any back wages or not?

As mentioned by me in the earlier back services of the applicant was illegally terminated by the respondents. The Honourable Supreme Court in **G.T. and others versus Chemicals and Fibres India Limited 1979-LAB I C. 290** held that in such cases where re-instatement has been directed by the court, the entire back wages must be followed as a matter of cause. As applicant's service is illegally terminated the respondent, he should be reinstated with his original seniority in the service, all back wages and bonuses if any shall be given to the applicant by the respondents. Respondents paid the back wages and bonuses to the applicant within 3 months of the publication of this order. If the back wages etc. amount not paid by the respondents to the applicant in the stipulated period, then 7% interest accrued from the date of termination of the workman till the final payment is made and this interest must also be borne by the respondents. Respondents should also pay Rs. 2000/- as court expenditure of the applicant and Rs. 1000/- as Advocate fees.

7. The reference of the Ministry is answered that the action of the management in terminating the services of Shri Raj Kumar Bhatele is illegal and the applicant is entitled for re-instatement with full back wages and bonus.

8. Copy of the Award be sent to the Ministry of Labour as per rules.

R.K. DUBEY, Presiding Officer.

नई दिल्ली, 27 जून, 2003

का.आ. 2087.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 63/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2003 को प्राप्त हुआ था।

[सं. एल-12011/296/2000-आई.आर.(बी-II)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 27th June, 2003

S.O. 2087.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 63/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial dispute between the management of United Bank of India and their workmen, received by the Central Government on 27-6-2003.

[No. L-12011/296/2000-IR (B-II)]

AJAY KUMAR, Desk Officer.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

SHRIKANT SHUKLA, Presiding Officer.

I.D. No. 63/2001

Ref. No. L-12011/296/2000-IR(B-II) dated 28-3-2001

BETWEEN

The State Secretary,
United Bank of India Empls. Assn., 845, Sec. 'A'
Bishwa Bank Colony, Gujani,
Kanpur-208001

AND

United Bank of India,
Chief Regional Manager, United Bank of India,
Central Region, 4-B-Haibulla Estate,
Hazratganj,
Lucknow (U.P)-226001

AWARD

Bharat Sarkar Shram Mantralaya, Ministry of Labour, New Delhi vide their order No. L-12011/296/2000-IR(B-II) dated 28-3-2001 has following reference for adjudication to this Tribunal;

WHETHER THE ACTION OF THE MANAGEMENT OF UNITED BANK OF INDIA IN DEDUCTIONS RS. 18,323.77 FROM THE PROVIDENT FUND AMOUNTS OF SHRI PINAKI BOSE IS JUSTIFIED? IF NOT, WHAT RELIEF SHRI PINAKI BOSE WAS ENTITLED FOR ?

The workman case in brief is that Sri Pinaki Bose SPF No. 12508 was employed as a clerk at United Bank of India (hereinafter referred to as the Bank), Tagore Town Branch, Allahabad. While he was in service he was charge sheeted twice. In respect of first charge sheet enquiry was held against the workman and he was punished with dismissal order vide order dated 29-4-89. In respect of the 2nd charge sheet the worker has alleged that no enquiry was held. In the final order punishment of dismissal, it was stated in the last para thereof that the workman may collect his dues from the Manager, Tagore Town Branch, Allahabad on any working day with prior notice, but the same was not paid despite repeated visits of the workman. After 9 years the workman received the cheque for Rs. 68,524.23/- deducting Rs. 18,323.77 and stating "Amount of loss sustained by the Bank due to the proved misconduct". The workman's case is that deduction from the Provident Fund is illegal since no deduction whatsoever can be made from the Provident Fund, due to the workman and the amount was not quantified and therefore can not be deducted. The worker has also stated that the payment has been made after long period. Therefore it has been prayed that it may be held that the action of the management of the Bank in deducting Rs. 18,323.77 from the Provident Fund amount of Sri Pinaki Bose is illegal and unjustified and therefore the Bank be asked to return the said amount with interest @ 18%.

Opposite Party filed the written statement with the allegations that there were two charge sheets against the workman in the first charge sheet there was a charge of misappropriation to the tune of Rs. 9,932.90 and in another charge sheet it was alleged that Sri Pinaki Bose misappropriated a sum of Rs. 17,549.75. In the first charge sheet the departmental enquiry was held and he was dismissed from service, and in another charge sheet the worker unconditionally accept the charge. In the circumstances the amount of misappropriation comes out to be Rs. 27,482.65 out of which a sum of Rs. 9,158.88 was recovered from him and remaining amount of Rs. 18,323.77 remained unrecovered. It is also alleged that according to para 3 page 19 of the United Bank of India Staff Provident Fund Rules provides that if a member is dismissed for fraud, dishonesty and misconduct the Bank shall be entitled to recover any loss or damage resulting to the Bank from the cause or causes entailing such dismissal out of the amount standing to the credit of the member in the Fund to the extent of Bank's contribution and interest thereon. Accordingly loss amount to Rs. 18,323.77, caused to the Bank attributable for Sri Bose due to his fraudulent acts.

was recovered from the portion of Bank's contribution and interest thereon. The loss caused to the Bank due to fraudulent act of Sri Bose is specifically ascertained and quantified in the letters of charges. It is alleged that the workman was duly advised to collect his SPF dues from the Manager of the Bank on any working day with prior information. The delay in payment was due to reason that Sri Bose had raised disputes against his punishment dismissal before the authorities of the Bank & also filed appeal in the court of law. His dismissal has been upheld by the adjudicating authorities in the court. The bank being nationalised financial institution with public deposits, can not afford to sustain any loss caused to the public account holders due to fraudulent acts/misappropriation of Sri Bose. In terms of Staff Provident Fund Rules, where Sri Bose is a member, the Bank is within its full right to recover loss resulting to the Bank out of the amount standing to Sri Bose within limit of Bank's contribution to SPF inclusive of interest amounting to Rs. 43,424/- due to Sri Bose as on 15-1-99. Therefore deduction on account of Provident Fund acts of Sri Bose is justified.

It has also stated in Written Statement that Sri Bose is not entitled to any relief as claimed by him.

The rejoinder has been filed on behalf of the worker wherein the rules of United Bank of India Staff Provident Fund Rules and its provisions have not been specifically denied.

Worker Sri Bose filed affidavit but to fail to turned up for cross examination by the Opposite Party. Although various dates were fixed for his cross examination ultimately on 30-5-2003 the workman and his representative remain absent and thereafter the management filed its affidavit in support of his case. 24-6-2003 was fixed for cross examination of the management witness.

The workman and his representative absented on 24-6-2003 and therefore the Presiding Officer himself questioned to the witness about facts of the case.

The workman remained absent on the date of argument and therefore heard the management representative.

It is admitted fact that Sri Bose was dismissed from service on the charge of mis-appropriation. It is also proved that mis-appropriation involved the amount of Rs. 9,932.90/- and Rs. 17,549.75/. It has also been proved that out of mis-appropriated amount Rs. 9,932.90 a sum of Rs. 9,158/- was recovered from him.

The mis-appropriated amount caused by Sri Bose in respect of two charge sheets mentioned above is Rs. 27,482.65. Thus, a sum of Rs. 18,323.77/- remained unrealised. The Bank has filed United Bank of India Staff Provident Fund Rules. The relevant provision are at page No. 19 i.e. Rule 19(e) which is reproduced below:

Rule 19(e) & (f)

Payment of Bank's contributions in case of employee discharged for fraud etc. causing financial loss to the Bank

- (e) If a member is discharged or dismissed for fraud and misconduct causing financial loss and/or damage to the Bank he will not be entitled to the Bank's contributions to the extent of such loss or damage, which shall subject to claim. If any, of the Bank be forfeited to the fund.
- (f) If a member is dismissed for fraud, dishonesty and misconduct, the Bank shall be entitled to recovery any loss or damage resulting to the Bank from the cause or causes entailing such dismissal out of the amount standing to the credit of the member in the Fund to the extent of Bank's contribution and interest thereon. The Board shall be entitled to assess and declare the amount of loss or damage so resulting and their declaration in that behalf shall be final and conclusive and the amount so declared shall be paid by the Trustees to the Bank.

Any payment referred to above shall be a good discharge to the Trustees against all claims whatsoever in respect of the said Fund by any one whosoever claiming through the said member or otherwise.

The Bank has proved that they have not touched the contribution of the workman in the Provident Fund contribution but has only realised the amount from the contribution of the management. In the circumstances it is proved that the deduction is justified. Issue is therefore decided in affirmative against the worker & in favour of the management.

From the discussions above I come to the conclusion that the workman is not entitled to any relief whatsoever.

25-6-2003 : Lucknow

SHRIKANT SHUKLA, Presiding Officer.

नई दिल्ली, 27 जून, 2003

का०आ० 2088.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की थारा 17 के अनुसरण में केन्द्रीय सरकार मामार्गोंव संटरस्ट के प्रबंधात्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण गैरिक के पंचायत (संदर्भ संख्या 43/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2003 को प्राप्त हुआ था।

[सं. एल-36012/4/96-आई.आर (एम)]

अंजय कुमार, डैस्क अधिकारी

New Delhi, the 27th June, 2003.

S.O. 2088.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/98) of the Industrial Tribunal Goa as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Mormugao Port Trust and their workman, which was received by the Central Government on 27-6-2003.

[No. L-36012/4/96-HR (M)]

AJAY KUMAR, Desk Officer

ANNEXURE

**IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF
GOA AT PANAJI**

**(BEFORE SHRI AJIT J. AGNI HON'BLE
PRESIDING OFFICER)**

IT/43/98

**Shri Ratnakar D. Phadte,
Rep. by The Vice President,
Mormugao Waterfront Workers Union,
Vasco-da-Gama, Goa.**

V45

The Chairman,
Morningao Port Trust,
Morningao Harbour,
Morningao-Cra

Workman - Represented by Adv. Shad P. Johnson

Employer - Represented by Adv. SUDHAKAR
Navelkar.

Page: Dated 29-5-2003

AWAED

In exercise of the powers conferred by clause (c) of Sub-section (1) and Sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government by order dated 13-1-97 bearing No. L-36012/4/96-IR (Misc.) referred the following dispute to the Central Government Industrial Tribunal No. 2, Mumbai, for adjudication.

"Whether the action of the management of Mormugao Port Trust in making change in their records in the date of birth of Mr. Ratnakar D. Phadke, Operator, Gr. I, EDP No. 128855 of the CME Department of Mormugao Port Trust from 9-4-1947 to 9-2-1943 is justified? If not, to what benefits the workman is entitled?"

2. On receipt of the reference from the Central

Government, the Central Government Industrial Tribunal No. 2, Mumbai, registered the same as Ref. No. CGIT/2/3/97 and issued notices to the parties. In pursuance to the said notice the parties put in their appearance before the Central Government Industrial Tribunal No. 2, Mumbai. The Union-Party I (for short, "Union") filed its statement of claim at Exh. 2. The facts of the case in brief as pleaded by the union are that the workman Mr. Ratnakar d. Phadte (for short, "workman") was appointed as a Winch Driver initially with Morningao Dock Labour Board (for short, "MDLB") till the year 1965 and thereafter around the year 1981 his services were transferred to Employer/Party II (for short, "employer"). That the workman had studied upto 5th std. in Marathi medium and his birth was not registered by his parents as they were illiterate. That at the time when he was appointed by MDLB he had given his age approximately as 22 years based on which his date of birth was assumed and recorded as 9-2-1943. That somewhere in the year 1970-71 the Registration of Births and Deaths Act was enacted and registration of births and deaths was made compulsory to every citizen of India. That the workman realising that his date of birth was not registered made an application to the concerned authority for registering his date of birth and after following the procedure laid down by law, his date of birth was registered with the Registrar of Births and Deaths at Village Panchayat, Morjim on 27-5-71 as 9th April 1947. That thereafter the workman made a request to MDLB for recording his date of birth as 9-4-1947 based on the birth certificate issued by Village Panchayat, Morjim. However, notwithstanding such a request was followed and in the records of MDLB, the date of birth was recorded as 9th April 1947. That subsequently when the service of the workman was transferred to the employer, his personal file was also transferred and based on the said record the employer recorded his date of birth as 9-4-1947. That the employer accepted the date of birth of the workman as 9-4-1947 till June 1992, and this is evident from the health card issued by the employer to the workman on 19-4-93. That as per the practice followed by the employer of recording the greetings of birth date in the wage slip issued every month to the employees, in the wage slips of the workman birthday greetings were recorded as on 9th April 1947 until June 1992 and thereafter all of a sudden the employer arbitrarily and unreasonably changed the birthday greeting of the employer to 9th February in the wage slips. That on realising the above change the workman made a representation to the Chief Executive Engineer of the employer vide his letter dated 10-8-92 for correcting his date of birth as 9-4-47. That by reply dated 18-8-92 the employer informed the workman that since he had declared his age as 22 years at the time of his appointment his date of birth was assumed as 9-2-43 in terms of GFR 80(1) and recorded as such in his service records and that the date of birth recorded by the Registrar of Births and Deaths does not tally with the age disclosed at the time of his appointment in MDLB, and

therefore the birth certificate cannot be accepted for the

purpose of service records. That by further representations dated 22-9-92 and 22-6-93 the workman reiterated his contention and requested for correcting his date of birth as 9-4-47 but the employer did not correct the said date of birth and informed the workman accordingly by letter dated 27-8-93. That the workman thereafter filed an appeal dated 21-12-94 to the Dy. Chairman of the employer but the same was not decided till 28-6-95. The union thereafter took up the matter with the Asstt. Labour Commissioner (Central), Vasco Da Gama, Goa, vide letter dated 22-9-95 and during the pendency of the matter before the Asstt. Labour Commissioner, Vasco, the Dy. Chairman by his order dated 15-2-96 dismissed the appeal of the workman. The conciliation proceedings resulted in failure and failure was recorded on 7-10-96 by the Asstt. Labour Commissioner, and subsequently the dispute was referred to the Central Industrial Tribunal No. 2, Mumbai, for adjudication. The union contended that the action of the employer is not just, legal and bonafide because the change in the date of birth was recorded without hearing the workman and without considering the birth certificate and other records. The union contended that the workman is entitled to the restoration of his date of birth as on 9-4-47 as recorded and accepted by the MDLB and thereafter by the employer. The union therefore, prayed that an award be passed directing the employer to correct the date of birth of the workman as 9-4-47 as per the birth certificate produced by him.

3. The employer filed written statement at Exb. 5. The employer denied that the workman was initially employed with MDLB. The employer stated that somewhere in the year 1979-80 consequent upon the installation of Mechanical Ore Handling Plant (for short, "MOHP") the services of some ganged workers, operators and drivers who were earlier engaged and employed by MDLB were transferred to the employer and the workman was one of such person who was absorbed by the employer. The employer stated that fresh appointment letter incorporating terms and conditions of service was issued to the workman and it was stipulated therein that the service of the workman with MDLB was counted only for the purpose of retirement benefit such as G.P.F., Pension, Gratuity etc., subject to MDLB making appropriate payment to the employer in terms of that letter dated 26-3-79. The employer stated that as per the Memo of appointment dated 17-7-80 appointing the workman as Operator Gr. I. w.e.f., 26-4-80 the workman was required to produce documentary proof of his age. The employer stated that after absorption of the workers who were transferred from MDLB as stated above, it was found that their age entered in the service records of MDLB were admittedly without any proof and therefore, the Chairman of the employer by his office order dated 21-6-96 requested all the Heads of Departments to review the entries made in the service records of the employees working under their

control in respect of their date of birth viz-a-viz the authenticity to be confirmed from the documents such as birth certificate, school certificate, affidavit etc., kept in their respective personal file. The employer stated that in the course of the scrutiny and review it was found that one of the basis of the entry of age of the workman having been recorded on his declaration as 22 years at the time of his initial appointment with MDLB, as evidenced by service particulars transmitted to the employer, his year of birth should be 1943 and accordingly his date of birth came to be certified in his service book consequent upon such review as 9-2-1943 by in placing reliance on provision of Rule 80 of General Financial Rules. The employer stated that date of birth of the workman was corrected in the year 1991 after review of the position as stated above. The employer stated that the workman's date of birth was provisionally recorded in their record as 9-4-47 as given by him but it was subject to proof and review of the same in the situation and circumstances as then prevailing and warranting their scrutiny of the alleged entries in age in question of all the transferred employees of MDLB as directed by the Chairman at the material time when the issue came up for consideration of the administration. The employer stated that the entry of the date of birth as 9-4-47 in the medical card or in the wage slip for the purpose of birthday greetings was provisional and was of no consequence to lead the workman to draw unwarranted assumption that employer had accepted his birth date as 9-4-47. The employer denied that the change in the wage slip as records birthday greeting was arbitrary and unreasonable. The employer stated that the representation made by the workman to the Dy. Chairman styled as 'appeal' remained to be disposed off owing to the pressing work awaiting immediate attention but it was disposed of by the Dy. Chairman by order dated 11-2-96 during the pendency of the conciliation proceedings. The employer denied that their action of correcting the date of birth from 9-4-47 to 9-2-43 is not just, legal and bonafide or that the workman is entitled to the restoration of his date of birth as 9-4-47. The employer denied that the workman is entitled to any relief as claimed by him. The union thereafter filed rejoinder at Exb. 6.

4. On the pleadings of the parties following issues were framed at Exb. 8.

1. Whether the action of the management in making change in their record in respect of the date of birth of Shri Ratnakar d. Phadte from 9-4-47 to 9-2-43 is justified ?

2. If not, to what benefit the workman is entitled to ?

5. After the issues were framed the Central Industrial Tribunal No. 2, Mumbai, fixed the case for filing affidavit by the union and also for filing the list of documents and

accordingly the union filed affidavit and list of documents. However, thereafter on representation made by the union to the Ministry of Labour, Government of India, New Delhi, by order dated 23-4-98 the Ministry of Labour, Government of India, New Delhi, withdrew the proceedings which were pending before the Central Industrial Tribunal No. 2, Mumbai, by exercising powers under Sec. 7-A r/w sub-Section (1) of Sec. 33 of the Industrial Disputes Act, 1947 and transferred the same to this Tribunal with a direction that this Tribunal should proceed with the proceedings from the stage at which it is transferred to it and dispose of the same according to law. On receipt of the order from the Ministry of Labour, Government of India, New Delhi, notices were issued to the parties and in pursuance to the said notice the union as well as the employer put in their appearance before this Tribunal and the matter was proceeded with.

6. My findings on the issues are as follows :

Issue No. 1 : In the negative.

Issue No. 2 : As per order below.

REASONS

7. Issue No. 1 : The contention of the workman is that the action of the employer in making the change in their records as regards the date of his birth from 9-4-47 to 9-2-1943 is not justified. The contention of the employer on the other hand is that they are justified in changing the date of birth of the workman from 9-4-47 to 9-2-1943 in their records because it was made on the basis of the age declared by the workman with his previous employer, that is, Mormugao Dock Labour Board (MDLB) as 22 years when he was initially appointed on 8-2-1965. The workman has examined himself whereas the employer have examined their Establishment Officer Mr. Jose Pereira and the Chief Manager, Cargo and Labour Department Mr. Jovi L. Viegas.

8. The workman in his deposition stated that he is working with the employer since the year 1981 and that prior to that he was working with MDLB since the year 1965 as a Winch driver. He stated that his birth was not registered and when he joined the services of MDLB he had told that by approximation he was 20 to 22 years old and hence his year of birth was registered as 1943. He stated that subsequently in the year 1971-72 his birth was registered. He produced the xerox copy of the birth certificate at Exb.W-1 stating that the original was submitted by him to the MDLB. He stated that on receipt of the birth certificate MDLB changed/made corrections in his birth certificate in their records. He stated that when his services were transferred to the employer his records with MDLB were also transferred to the employer. He stated that in the year 1982 a circular was issued by the employer stating that the employees should verify their records as regards the date of birth etc., and in case corrections are required

to be made the same should be made accordingly. He stated that he verified his records and found that his date of birth was correctly recorded as 9-4-1947. He produced his medical card at Exb. W-3 wherein his date of birth is mentioned as 9-4-47. He stated that every year he was issued wage slip mentioning his date of birth as 9th April and wishing him Happy Birthday. He produced the wage slips issued to him for the month of April 1989 and April 1990 at Exb. W-4 colly. He stated that when he received the wage slip in the month of July 1992 in respect of the wages for the month of June 1992, he found that his date of birth was changed, and therefore, he made a representation dated 10-8-92. He produced the copy of the said representation at Exb. W-5 and the copy of the reply dated 18-8-92 received by him from the employer at Exb. W-6, refusing to correct the records. He produced the copy of another representation dated 16-8-93 made by him at Exb. W-7 and the reply dated 27-8-93 given by the employer at Exb. W-8 wherein it was stated that the birth date was changed as per the date which he had declared to the MDLB on 8-2-1965. He stated that he made an appeal to the Dy. Chairman of the employer by letter dated 21-12-94 and the produced the copy of the said letter at Exb. W-11. He stated that he is a member of Mormugao Water Front Workers Union and the said union raised dispute on his behalf before the Asstt. Labour Commissioner, Vasco, by letter dated 22-9-95. He produced the copy of the said letter at Exb. W-13. He stated in the meantime he received an order dated 15-2-96 from the Dy. Chairman informing him that his appeal is dismissed. He stated that the conciliation proceedings held by the Asstt. Labour Commissioner, Vasco, ended in failure and he produced the failure report at Exb. W-15. He stated that he is entitled to a direction to the employer to change date of birth from 9-2-43 to 9-4-47. In his cross examination he denied the suggestion that when he joined the services with MDLB he had given his age as 22 years and not as 20 or 22 years. He however admitted that in the statement of claim he had stated that he gave his age approximately as 22 years. He stated that he came to know that his birth is not registered when MDLB demanded birth certificate from him for the purpose of Provident Fund. He denied the suggestion put to him that he had not submitted the birth certificate to MDLB. He admitted that at the time when he joined the services of MDLB he had not produced any documents as regards the date of his birth. He admitted that he had received a letter from the employer informing him that as per the records of MDLB his date of birth is 9-2-43.

9. The employer's witness no. 1, Mr. Jose Pereira, the Establishment Officer in the Department of Chief Mechanical Engineer stated that he is working with the employer since 1965. He stated that he knows the workman who is working as Operator Grade 1 in Mechanical Ore

Handling Plant (MOHP) of the employer, and that he was originally employed as a Winch Driver with MDLB. He produced at Exb.E-1 the copy of the memorandum dated 17-7-80 appointing the workman as Operator Grade I. He stated that the MDLB had informed to the employer that they were not maintaining any service books of the workers but they sent a statement alongwith a covering letter giving the details of each worker whose services were transferred to MOHP. He produced the said covering letter and the statement at Exb.E-2 colly. He stated that in the records of the employer the age of the workman was not recorded when his services were transferred to MOHP but the workman had submitted his birth certificate when his services were transferred to MOHP, and that as per the said birth certificate his date of birth was 9th April 1947. He stated that in the statement Exb. E-2 colly the birth date of the workman is not mentioned but his age is shown as 22 years which is as on 8.2.1965. He stated that the Audit Department had raised objections regarding certain workers because in their service record there was no proof of their age, and therefore the employer issued an office order no. 14 dated 21.2.1986 asking the various departments to find out whether the date of birth of the workers was substantiated by any document. He produced the said order at Exb.E-3. He stated that on making enquiries, the MDLB informed the employer mat the workman had not submitted his birth certificate at the time when he joined services with MDLB, and therefore taking the age of the workman as 22 years as on 8.2.1965 the employer considered the date of birth of workman as 9.2.1943. He admitted that a letter dated 10.8.92 Exb.W-5 was received from the workman mentioning that the date of birth shown as 9.2.1943 in the Pay sheet of July 1992 is not correct. He stated that by reply dated 18.8.1992 Exb.W-6 the workman was informed that the date mentioned in the birth certificate dated 24.3.79 did not tally with the age declared by him at the time of his enrolment in MDLB and hence his birth certificate was not accepted for the purpose of service records. He stated that in the reply/memorandum dated 27.8.93 Exb.W-8 it was clarified that the workman's date of birth was worked out on the basis of the age declared by him as 22 years at the time of his registration in MDLB on 8.2.1965 and recorded in the service records as provided under GFR 80 (i) and not as per birth certificate dated 24.3.79. He produced Rule 80 of General Finance Rules at Exb. E-8. He stated that in terms of the rules and policy governing the employer the question of changing the date of birth of the workman did not arise. In his cross examination he stated that a service book was maintained by the employer in respect of all the employees and that the signature of the workman was taken on the said service book. He produced the said service book at Exb.W-17. He admitted that as per the letter of appointment Exb. E-1 the workman was required to produce documentary proof of his age and that the workman had

produced birth certificate to the employer in the year 1980. He admitted that as per the practice when an employee joins service of employer he is issued a medical card and that the workman was also issued a medical card. He admitted that as per the service book Exb.W-17 the date of birth of the workman is recorded as 9.4.1947 as per the birth certificate produced in the year 1980. He stated that the date of birth mentioned as 9.4.1947 in the medical card is based on the records from the service book. He stated that the medical card Exb. W-3 was initially issued on 19.4.83 and the birth certificate produced by the workman showed that the birth of the workman was registered on 27.5.1971. He stated that for some time the birth date greeting of the concerned workman was recorded in the pay slip for the month in which his birth date was falling. He stated that this procedure was followed in the year 1992 and that it is discontinued for the last about 5 years. He admitted that from the year 1983 till the year 1990 no objection was raised as regards the birth date of the workman. He further admitted that till 13.8.91 the date of birth of the workman continued to be as 9.4.1947. He stated that before making the changes in the entries of the service book, no notice was given to the workman. He denied the suggestion that the birth certificate mentioned in the service book was sent to the employer by MDLB along with the service book and that the date of birth recorded in the service book was made by the employer based on the records sent by MDLB. He denied the suggestion that the changes made in the service records pertaining to the date of birth of the workman are arbitrary and illegal.

10. The employers witness no. 2, Mr. Jovi Viegas stated that he is working with the employer as a Chief Manager in the Cargo & Labour Department and that earlier he was working with MDLB. He stated in his deposition that in the letter dated 18.8.83 Exb. E-2 colly written by him to the employer he had stated that the service books of the workers are not maintained by the Board. He stated that in his letter dated 1.10.90 Exb.E-5 he had clarified that the registration of the workers was done in the year 1965 on formation of MDLB and that the dates prior to 1965 are the dates of joining the pool formed by the workers under the Mormugao Stevedores Association 1963 and the age of the workers shown in the statement is the age declared on the date of filing registration form in the year 1965. He stated that in his letter dated 11.12.90 Exb. E-7 he stated to the employer that the correct age could not be ascertained as the workers have not produced birth certificates or any other documentary proof. In his cross examination he stated that he worked with MDLB from 1974 till April 1998. He stated that the particulars of the workers mentioned in the statement Exb. E-2 colly are collected from the personal files of each worker and that the particulars of the workman given in the Exb. E-2 colly are also based on his personal file. He undertook to produce the personal file of the workman on the next date of hearing if it is available.

However on the next date of hearing he stated that he cannot produce the personal file of the workman because his personal file is not there. He denied the suggestion that there is personal file of the workman and that he is not producing the same deliberately. He admitted that in page 3 of the service book of the year 1980 Exb. W-17 the date of the workman was originally mentioned as 9.4.1947 and stated that the details in the said page 3 were recorded on 31.7.1981. He stated that the leave records of the workman were maintained by the MDLB but he cannot produce them. He stated that all the records maintained by MDLB were transferred to the employer. He stated that the statement Exb. E-2 colly is based on the registration card of the workers and he admitted that the registration card Exb. W-18 is the registration card of the workman maintained by MDLB. He stated that he does not know if the workman had produced his birth certificate and that it was not attached to the registration card. He denied the suggestion that the statement Exb. E-2 colly, the reply dated 1.10.90 Exb. E-5, and the particulars contained in the letter dated 11.12.90 Exb. W-7 are not based on any record or that they are fabricated by him in order to get himself absorbed in MPT and thereafter get promotion.

11. The evidence discussed above establishes that the workman was initially employed with MDLB, that is Morniugao Dock Labour Board in the year 1965 as a Winch Driver and his services were transferred to the employer's establishment in the year 1980. The workman had not produced his birth certificate to MDLB when he was employed because his birth was not registered at that time. The evidence shows that the workman had declared his age as 22 years when he joined the services of MDLB. This is supported by the statement produced by the employer at Exb. E-2 colly. The workman himself has admitted in his cross that in his claim statement at para 4 he has stated that he had given his age approximately as 22 years. The workman has stated that he got his birth registered somewhere in the year 1971-72. He has produced the birth certificate at Exb. W-1. This certificate shows that the workman's birth was registered on 27.5.1971 and the date of birth of the workman is mentioned as 9.4.1947. The workman has stated that he had submitted the birth certificate to MDLB. But there is no evidence to this effect. However the employer's witness Mr. Jose Pereira has stated in his deposition that when the services of the workman were transferred to the MOHP of the employer, he had submitted his birth certificate and as per the said certificate the date of birth of the workman was 9th April 1947. The workman's services were transferred to employer in the year 1980 which means that in the year 1980 the employer was in possession of the workman's birth certificate and was aware of his birth date. The said witness has stated in his cross examination that when the workman was transferred from MDLB in the year 1980 a service book of all the employees was maintained and the signature of the

workman was obtained on the said book. He has produced the concerned page no.3 of the said service book at Exb. W-17. The witness Mr. Jose Pereira has admitted in his cross that according to the said birth certificate, in the said service book Exb. W-17 the date of birth of the workman is recorded as 9.4.1947. The workman has produced his medical card at Exb. W-3 issued to him by the Medical Department of the employer. The said medical card is admitted by the employer. The employer's witness Mr. Jose Pereira has stated in his cross that in the medical card Exb. W-17 the date of birth is mentioned as 9.4.1947 and that it is so mentioned based on the service record Exb. W-17. The workman has produced the pay slips for the month of March 1980 and March 1990 Exb. W-4 colly. These pay slips are admitted by the employer. These pay slips show that every year in the month of March, the employer used to wish the workman on his birth day falling on 9th April of every year. This is admitted by the employer's witness Mr. Jose Pereira in his cross. He has admitted that for some time the birthday greeting of the concerned workman was recorded in the pay slip, and that this procedure was followed in the year 1992. The above evidence shows that the employer had accepted the birth certificate produced by the workman and had acted upon it by mentioning the date of birth of the workman as 9.4.1947 in the service records and other records of the employer. The employer had accepted the date of birth of the workman as 9.4.1947 without any reservation or objection. The employer's witness Mr. Jose Pereira has admitted in his cross that from the year 1983 till the year 1990 no objections were raised as regards the date of birth of the workman. He has further admitted that till 13.1.1991 the date of birth of the workman continued to be as 9.4.1947.

12. The workman has stated in his deposition that he found that his birth date was changed by the employer when he received his wage slip in July 1992 pertaining to the wages for the month of June 1992, and hence immediately he made a representation dated 10.8.92 requesting for correction of the records as regards date of birth. He has produced the said representation at Exb. W-5. He has produced the reply of the employer dated 18.8.92 at Exb. W-6 refusing to correct the records. The employer has not disputed above facts. The employer's witness Shri Jose Pereira has stated in his deposition that the birth certificate was not accepted by the employer because it did not tally with the age declared by the workman at the time of his employment with the MDLB. He has further stated that the birth date of the workman was worked out on the basis of the age declared by him as 22 years at the time of his registration in MDLB on 8.2.1965. From the evidence it can be seen that initially from the year the services of the workman were transferred to the employer till the year in which the correction was made in the birth date of the workman in his service records, that is for almost 10 years or so, the employer had accepted the birth certificate

produced by the workman wherein the birth date was mentioned as 9.4.1947 and the employer had acted upon it. However, subsequently, that is, after 10 years the employer made corrections in the birth date of the workman by changing the date of birth in the service records from 9.4.1947 to 9.2.1943. The question is whether this action of the employer is legal and justified. Adv. Shri P. J. Kamat, the learned counsel for the employer has relied upon the judgment of the Supreme Court in the case of Sarjoo Prasad v/s General Manager and another reported in 1981 (43) FLR 408. In this case the point for consideration was whether it was open to the respondent to change or alter the birth date of the appellant once accepted by the respondent without giving an opportunity to him to sustain the same. The Hon'ble Supreme Court referred to its earlier decision in the case of State of Orissa v/s Dr.(Miss) Binapani Devi reported in 1950—83 Vol. SCLJ 447 and stated that in the said case it was held that the date of birth without notice and without giving opportunity cannot be altered to the disadvantage and prejudice of an employee because an administrative order which involves civil consequences must be made in conformity with the rule of natural justice which at its lowest minimum requires notice and opportunity to the person affected thereby. In view of its said decision, the Hon'ble Supreme Court allowed the appeal and set aside the order retiring the appellant from service as well as the order correcting the birth date because the respondent in that case had altered the date of birth without giving notice to the appellant and without giving him opportunity of being heard. The above judgment of the Supreme Court squarely applies to the present case. In the present case also the employer had accepted the birth date of the workman as 9-4-1947 when his services were transferred to the employer in the year 1980 and accordingly the said date of birth was entered in the service records of the workman. The said birth date was altered or corrected much later that is somewhere in the year 1992. As per the law laid down by the Hon'ble Supreme Court in the above referred cases, the employer was required to give notice to the workman and give him opportunity of being heard before altering or correcting the date of birth. There is no evidence on record to show that the workman was given notice or that he was heard before altering or changing his date of birth. The employer's witness Shri Jose Pereira has infact admitted in his cross that before making the changes in the entries of the service book, no notice was given to the workman. This being the case the employer was not justified in changing the date of birth of the workman from 9.4.47 to 9.2.43. In the circumstances I hold that the action of the employer in making the change in their record in respect of the date of birth of the workman from 9-4-47 to 9-2-43 is not justified. I therefore answer the issue no.1 in the negative.

13. Issue No.2 : This issue pertains to the relief to which the workman is entitled to. Once it is held that the action of

the employer in making the changes in their records in respect of the date of birth of the workman from 9-4-47 to 9-2-43 is not justified, the said action cannot be sustained and the same is liable to be set aside. I therefore set aside the action of the employer in making the changes in their records in respect of the birth date of the workman from 9-4-47 to 9-2-43. Now the question is what relief is to be granted to the workman. This question arises because in the course of the arguments it was submitted by Adv. Shri P. J Kamat, the learned counsel for the workman, that during the pendency of the present dispute the workman has been retired from service with effect from May 2001 on the basis that the date of his birth is 9-2-1943 and as such he completed 58 years of age in February 2001. Adv. Shri Navelkar, the learned counsel for the employer admitted that the workman has retired from service from May 2001 on the basis that his date of birth is 9-2-1943. Since it has been held by me that the action of the employer in making the changes in the records in respect of the date of birth of the workman from 9-4-47 to 9-2-43 is not justified and the said action has been set aside, the order retiring the workman from May 2001 on the basis that his date of birth is 9.2.1943 is wrong and is liable to be set aside. Therefore on the basis that the date of birth of the workman is 9-4-1947, the workman would retire from May 2005 on completing the age of 58 years. This being the case, the workman is liable to be reinstated in service and he will be also entitled to full back wages from the date of his retirement, that is from May 2001; because his retirement was wrong in the circumstances stated above. However, in case retirement benefits or any other benefits have been paid to the workman at the time of his retirement, the employer shall be entitled to adjust the said amount from the back wages payable to the workman. The employer however will be entitled to hold an enquiry if they so desire and consider it necessary about the correct date of birth of the workman after giving notice and opportunity of hearing to the workman. I am supported in this respect by the judgment of the Supreme Court in the case of Sarjoo Prasad (*supra*). In this case the Hon'ble Supreme Court on setting aside the order correcting the birth date of the appellant for not giving him notice and opportunity of being heard before correcting the birth date, also set aside the order retiring the workman from service. The Hon'ble Supreme Court ordered that the appellant continues to be in service and will continue to be in service, but it shall be open to the respondent, if it so desires and considers it necessary to hold enquiry about the correct birth date afresh after giving notice and opportunity of being heard and producing evidence on either side. In the circumstances I set aside the order of the employer retiring the workman from May 2001. I hold that the workman is entitled to reinstatement in service with full back wages and other consequential benefits from the date of his retirement that is from May 2001. The employer however will be entitled to adjust the retirement benefits or any other benefits paid to the

workman if any, at the time of his retirement from the amount of back wages payable to him.

In the circumstances I pass the following order.

ORDER

It is hereby held that the action of the management of Mormugao Port Trust in making change in their records in the date of birth of the workman Mr. Ratnakar D. Phadte, Operator, Gr. I, EDP No. 128855 of the CME Department of Mormugao Port Trust from 9.4.1947 to 9-2-1943 is not justified. It is hereby further held that the retirement of the workman Shri Ratnakar Phadte from May 2001 on the basis of 9.2.1943 as his date of birth is wrong and hence the same is set aside. The workman Mr. Ratnakar D. Phadte, is ordered to be reinstated in service with full back wages and other consequential benefits from the date of his retirement, that is, from May 2001. The employer however will be entitled to adjust the retirement benefits or any other benefits paid to the workman if any, at the time of his retirement from the amount of back wages payable to him. The management of Mormugao Port Trust however shall be entitled to hold an enquiry if it so desires and consider it necessary, about the correct date of birth of the workman Mr. Ratnakar D. Phadte after giving him notice and opportunity of being heard.

No order as to costs. Inform the Central Government accordingly.

AJIT J. AGNI, Presiding Officer

नई दिल्ली, 27 जून, 2003

का.आ. 2089.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 97/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2003 को प्राप्त हुआ था।

[सं. एल-12011/295/2000-आई आर (बी-II)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 27th June, 2003

S.O. 2089.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 97/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial dispute between the management of Central Bank of India and their workman, which was received by the Central Government on 27-6-2003.

[No. L-12011/295/2000-IR (B-II)]
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

SHRIKANT SHUKLA
PRESIDING OFFICER

I.D. NO.97/2001

Ref.No.L-12011/295/2000/IR (B-II) dated 12.6.2001

Between

The General Secretary
Central Bank Worker Organisation
C/o Central Bank of India, Meson Road,
Kanpur (U.P.)
(Espousing cause of Parmeshwar Singh)

And

The Dy. General Manager,
Central Bank of India, Zonal Office, Akashdeep,
23, Vidhan Sabha Marg, Lucknow-226010

ORDER

The Government of India, Ministry of Labour vide their Order No. L-12011/295/2000/IR (B-II) dated 12.6.2001 referred the following dispute for adjudication to Central Government Industrial Tribunal-cum-Labour Court, Lucknow.

“WHETHER THE ACTION OF THE MANAGEMENT OF CENTRAL BANK OF INDIA, TO ALLOW WEIGHTAGE OF ONE YEAR TO SHRI PARMESHWAR SINGH FROM 1.1.98 FOR THE SERVICE RENDERED IN DEFENCE SERVICES, INSTEAD OF FROM 19.11.1973 AS CLAIMED BY THE WORKMAN IS JUSTIFIED AND LEGAL? IF NOT WHAT RELIEF IS THE WORKMAN CONCERNED ENTITLED TO?”

The brief facts of the case that Parmeshwar Singh was a graduate and for graduate clerk weightage in service seniority is allowed for 2 years and presently he is working as Head Cashier at Belwa branch of the Central Bank of India. While working as Clerk at Gonda branch, Parmeshwar Singh applied through their Gorakhpur Regional Office vide his representation dated 17-8-87 for allowing his seniority for one year in service for his service rendered in defence. The opposite party till 31-12-1997 could not decide this matter of weightage in service seniority. Due to the failure on the part of the Central Bank of India the seniority list drawn as of 1-1-1997 for the purpose of promotion of clerks (to senior positions and for drawing special allowances) by opposite party on selection area basis did not carry the name of Parmeshwar Singh. The date of promotion of Parmeshwar Singh to the post of Clerk is 19-1-1976. In this way notional date of seniority as clerks

comes to 19-11-1974 as he was a graduate and weightage was given for two years. It is further alleged that the worker represented for claiming service seniority as he rendered service in defence, vide the representation dated 17-8-87 but the decision was taken late by the Central Bank of India and the same was allowed only from 1-1-1998. Had the opposite party taken the decision on the representation of the workman would have been 19-11-73 instead 19-11-74 as on 1-1-97 and his seniority list of clerks as on 1-1-1997 would have been 32. Due to non taking the decision by the Central Bank of India in time the seniority list of the clerks as on 1-1-1997 does not carry the name of Parmeshwar Singh and the result was that juniors to Parmeshwar Singh from numbering 32 onwards in the seniority list were promoted on the post of Asstt. Manager from Nov. 1997 superseding the seniority of Parmeshwar Singh. The promotion to juniors ignoring the senior person is gross violation of policy and all rules of the land illegal and unjustified. It has therefore, been pleaded that orders should be passed to promote the workman to the post of Asstt. Manager from Nov. 1997 i.e. from the date of his juniors numbering 32 onwards in the seniority list as on 1-1-1997 were promoted. It has been further prayed that Central Bank of India should be ordered to give due wages on promotion and allow other benefits of one increment in the clerks cadre with arrears.

The Central Bank of India has submitted that the workman had applied vide his representation dated 17-8-87 and 17-11-88 for allowing him for weightage by the seniority of one year in the bank service, for the past service rendered in defence which was decided by the Regional Office, Gorakhpur vide its letter dated 14-12-88 informing the branch to advise Parmeshwar Singh that he is not entitled to the weightage of one year service because he has not been recruited against the reserved posts. The claimant was very much satisfied by the reply submitted by the Regional Office in this regard and closed the matter from his end but the Regional Office, Gorakhpur again enquired about his past service rendered in defence vide letter dated 28-8-92 when the workman applied for the post of Asstt. Security Officer cum Care Taker in JMS-I but no satisfactory reply was rendered by the claimant to the bank. As such, the weightage of one year for the past service rendered in the defence could not accorded to him and workman again preferred to close the chapter for ever but all of a sudden vide his letter dated 9-1-98 workman raised the same matter and with this submitted all supporting documents showing the past services rendered in defence which was scrutinised by the Bank and found to be correct. As such, the weightage of 1 year was granted to workman and his name was included in the seniority list of clerical staff as on 1-1-1998. In this matter the lapses were on the part of the workman not to provide the relevant document of his working in defence services at an early stage. As such, there is no lapse on the part of Bank. When the workman

filed the supported documents the representation was decided immediately. It is informed by the Central Bank of India that there is no delay on the part of the bank in deciding seniority of the workman and nothing contrary to the above is irrelevant & made only for the purpose of this case. It has also been submitted the claimant has suffered no loss. It is also alleged by the Central Bank of India that the workman is not entitled for promotion of Asstt. Manager on the basis of seniority basis as on 1-1-1997 on the reasons that Bank promotion to the higher cadre is not based on the only seniority but the same is based on passing the written test and interview. As such, the claim of the worker has no substance and the same should be rejected. The prayer of the worker is illegal, unjustified and unreasonable and the same should be rejected.

The worker had filed following documents :

1. Photostat copy of Regional Office, Gorakhpur letter No. RO/PRS/3 93/98-99/563 dt.2-7-98. Paper No.4/2
2. Photostat copy of Service Record of Parmeshwar Singh. Paper No. 4/3
3. Photostat copy of ZO Lucknow letter No.ZO/PRS/MPD/97/1275 dt.20-8-97. Paper No. 4/4
4. Photostat copy of Bhatpar Rani Branch letter No.Estt./6/150 dt.26-6-76. Paper No.4/6
5. Photostat copy of ZO.Lucknow letter No.AZM/PRS/VBA/3/3108 dt.5-8-74. Paper No.4/7.
6. Photostat copy of Application for Asstt. Security Officer dt. 31-10-86. Paper No.4/8
7. Photostat copy of Certificate of service in defence No. 1432490 paper No. 4/9.

The workman Parmeshwar Singh filed an affidavit paper no. 5/1 along with following photostat copies of documents.

1. Photo copy of letter of Zonal Office dated 2-7-98 paper no. 5/4.
2. Photo copy of service record paper no.5/5.
3. Photo copy of Zonal Office letter dt.20-8-97 paper no. 5/6.
4. Photo copy of seniority list of clerical cadre of Lucknow as on 1-1-97 paper no. 5/7.
5. Photo copy of CBI memo dt. 26-6-76 address to Parmeshwar Singh paper no. 5/8 .
6. Photo copy of CBI memo dt. 5-8-74 paper no. 5/9.
7. Photo copy of application of Parmeshwar Singh paper no. 5/10.
8. Photo copy of service certificate paper no. 5/11.
9. Photo copy of CBI, RO, Gorakhpur dt. 28-8-92 paper no. 5/12.

The Central Bank of India has filed following documents with paper no. 7:

1. Photo copy of letter of workman dt. 17-8-87. Paper No. 7/2.
2. Photo copy of Recommendation of Branch Manager dt. 17-8-87 paper no. 7/3.
3. Photo copy of letter No. RO/PRS/MKG/393; 11; 1910 dt. 8-9-97 paper no. 7/4.
4. Photo copy of order of Asstt. RM dt. 14-12-88. Paper No. 7/5.
5. Photo copy of letter dt. 17-11-88. Paper No. 7/6.
6. Photo copy of letter of Asstt. RM dt. 28-8-92. Paper No. 7/8.

The affidavit filed by Vivekanand Chatterjee, Manager Personal Central Bank of India, Gorakhpur. Paper No. 8.

In addition to aforesaid documents the workman has also filed photo copies of procedure for identification for the post of Officer Incharge of Cashier circular about weightage to ex-servicemen paper no. 9.

Heard learned A/R of the workman Sri J.N. Misra and the counsel for O.P. i.e. Central Bank of India, Vinay Shanker perused the evidence on the file.

It is clearly admitted by the O.P. i.e. Central Bank of India that the workman Parmeshwar Singh was a defence personnel and he rendered his past service in defence. The extract para one of the written is re-produced below:

As such, the weightage of one year for the past service rendered in the defence could not accorded to him and workman again preferred to close the chapter for ever but all of a sudden vide his letter dated 9-1-98 claimant raised the same matter and with this submitted all supporting documents showing the past services rendered in defence which was scrutinised by the Bank and found to be correct. As such, the weightage of 1 year was granted to workman and his name was included in the seniority list of clerical staff as on 1-1-1998. In this matter the lapses were on the part of the workman not to provide the relevant document of his working in defence services at an early stage. As such, there is no lapse on the part of Bank, when the workman filed the supported documents the representation was decided immediately.

It is an admitted fact that the workman Parmeshwar Singh has been claiming the weightage for his service rendered in the defence right from the year 7-8-87. The Central Bank of India in para 1 of the W.S has admitted this fact. Which is reproduced below.

That the contents of para no.1 of the petition are denied and in reply it is submitted that the workman had applied vide his representation dt. 17-8-87 and 17-11-88 for allowing him for weightage by the seniority of 1 year in the Bank's service for the past services rendered in defence,

which was decided by the Regional Office, Gorakhpur vide its letter date 14-12-88 informing the branch to advice Parmeshwar Singh that he is not entitled to the weightage of 1 year in service because he has not been recruited against reserved posts.

The photocopy of the application of the workman dt. 17-8-87 is on record, which has been filed by the Central Bank of India. In the same application the workman enclosed the photocopy of discharge certificate of defence for ready reference. The content of letter of Parmeshwar Singh are reproduced below:

From: Parmeshwar Singh

Clerk

Central Bank of India, Gonda

The Regional Manager

Central Bank of India,

Gorakhpur

Respected Sir,

Reg: Weightage of Ex Servicemen for Promotion in seniority.

Ref. Central Office, Bombay Circular No. CO/PRS/Po/86/75 dt. 18-12-86.

With reference to the above I may inform you that I have worked in Military from 20-2-63 to 20-2-70 in the Bengal Engineers Group & Centre Roorkee. You are therefore, requested to please allow me the weightage of one year in the light of the circular under reference. I am enclosing herewith the photocopy of the Discharge Certificate of the Defence for your ready reference.

Please consider my case at the earliest.

Regard,

Enclosure: one (as above)

Dated 17-8-87

Yours faithfully,

Sd/-

(Parmeshwar Singh)

The said letter was forwarded by the Branch Manager, Central Bank of India, Gonda to Central Bank of India, Regional Office, Gorakhpur through covering letter paper no. 7/3.

The Central Bank of India, Divisional Office, Gorakhpur instead of redressal of grievances shot a letter to Zonal Manager dated 8-9-87 stating that Parmeshwar Singh joined the bank on 5-4-71 as sub staff and was promoted on 19-1-1976. It further reads

"We do not find any record whether Parmeshwar Singh had disclosed this fact i.e. 7 years service in defence at the time of his appointment. Parmeshwar Singh submitted photo copy of defence discharge certificate with his representation in support of his demand. You are therefore, requested to advise Parmeshwar Singh is entitled to weightage of one year in seniority or not."

What Zonal Manager replied to the Divisional Office of the Central Bank of India is not known. But ultimately on 14-12-88 Divisional Office of Central Bank of India shot a letter to Gonda branch stating that Parmeshwar Singh has not been recruited against the reserved post and therefore he is not entitled to the weightage given to the ex-servicemen for the purpose of seniority.

The letter of Divisional Office is reproduced below :

RO : PRS : 393 : 12:2278 Date 14-12-1998

GONDA BRANCH

Reg : STAFF PARMESHWAR SINGH;

**WEIGHTAGE TO EX-SERVICEMAN IN
SENIORITY.**

In the captioned matter, you are advised to inform Mr. Singh that as he has not been recruited against the RESERVED POSTS' Ex-serviceman, he is not entitled to the weightage given to ex-serviceman for the purpose of seniority.

(K. C. Mehrotra)
Asstt. Regional Manager

The matter did not end here Parmeshwar Singh again represented to the Central Bank of India, which was forwarded to Gonda branch of Central Bank of India to Regional Office. The Asstt. Regional Manager thereafter directed to Gonda branch to check up his record thoroughly then initiate the fact with the member disclosed this fact at that time. The letter of the Regional Office is reproduced below:

RO/PRS/606/393/92-93/1260

Date 28-8-92

Gonda Branch

Reg: Application of Parmeshwar Singh, clerk for the post of Asstt. Security Officer cum Care Taker in JM-I under AIS

On perusal of the application of Mr. Singh, Clerk for the above post, forwarded by you vide letter dt. 30-7-92, we observe that the member enclosed a copy of discharge certificate regarding his service in defence in Bengal Engineering group corps of Engineers, Roorkee. But we do not find any record whether Mr. Singh had disclosed this fact i.e. 7 years service in defence at the time of his appointment as sub staff on 5-4-71.

As such you are advised to check up your records thoroughly and intimate the fact whether the member has disclosed this fact at that time. Also enquire about this fact from the member concerned, in writing as to why he has not disclosed this fact, rather concealed this material fact.

Please let us hear at the earliest.

Asstt. Regional Manager

CC : Zonal Office, Lucknow

In reference to their letter No. ZO/PRS/MPD/92-93/1074 dated 25-8-92. As per our records we find that the member had claimed one year seniority for promotion in lieu of service rendered in defence from 20-2-63 to 20-2-70, vide his representation dt. 17-8-87, which was forwarded to you, vide our letter RO/PRS/MKG/393/11/1910 dated 8-9-87 for necessary instruction to us. Later on we had declined the member's request on the grounds that he was not recruited against RESERVED POSTS FOR EX-SERVICE MEN vide our letter RO/PRS/393/12/2278 dated 14-12-88 on his again requesting on 17-11-88. Copies of our above letters alongwith member's representation are enclosed for your perusal and doing the needful.

The workman has filed service record i.e. annexure II to the statement of claim paper no. 4/3 which bears the endorse that Parmeshwar Singh is a ex-serviceman. To rebut this document no service record has been filed by the Central Bank of India. Photocopy of certificate of defence service has been filed as annexure 7 to statement of claim which bears the following particulars :

S. No.3302

CERTIFICATE OF SERVICE

1432490 Rand Sub

Name : Parmeshwar Singh

Unit : Bengal Engr. Gp Caaprs of Engineers

Father's Name : Bal Raj Singh

Class : Hindu Sub-class Rajpur

Village : Karuioa PO USREDO

Tehsil : TARAO, Thana KOLONE

Tel. Office : KOLONE Rly. Stn.

District : Gonda

Date of Enrolment : 20-2-1963

Date of transfer to the Reserve 20-2-1970

In this context it is noteworthy that representation dt. 17-8-87 the workman submitted the photocopy of discharge certificate.

Since the Central Bank of India has given weightage of defence service to the workman. Therefore his previous decision that Parmeshwar Singh is not entitled to weightage of one year in service because he has not been recruited against the reserved posts was incorrect. A wrong decision was taken by the Central Bank of India cannot be taken a ground that the workman was satisfied by the said decision. The averment in the written statement the claimant was very much satisfied by the reply submitted by the Regional Office in this regard and closed the matter is baseless as it could not be said that he kept silent. Since their photo

copy of discharge certificate was available with Central Bank of India they must have scrutinised and verified facts stated in the discharge certificate. Central Bank of India has tried to defend on the ground that all of sudden workman vide letter dated 9-1-89 the claimant raised the same matter and submitted all supporting documents showing the past service rendered in defence which was scrutinised by the bank and found to be correct. As such the weightage of one year granted to the workman his name was included in the seniority list of clerical staff as on 1-1-98. It is noteworthy here that the Central Bank of India has not filed letter dated 9-1-89.

The question whether or not the management was aware, that the workman was a defence personnel and rendered defence service, is material. Service record show that Parmeshwar Singh is ex-serviceman. Following letters also go to show that the Parmeshwar Singh was a defence personnel and he rendered defence service.

Central Bank of India Memo dated 26-6-76 that is addressed to Parmeshwar Singh are reproduced below;

Estt. 6/150

Dated 26-8-1976

MEMO

With reference to his Application dated 9-6-76 and also the letter dated 12-5-76 addressed to us by the O.C. (Reservists), Bengal Engrs. GP & Centre, Roorkee submitted by him, Sri Parmeshwar Singh, Armed Guard is hereby relieved. After his duty hours on date to enable him to report for the periodical Training at the aforesaid Centre at Roorkee as per directions of our Zonal Office.

To.

Sri Parmeshwar Singh,

Armed Guard,

Central Bank of India

BRANCH MANAGER

Bhatpar Rani (Deoria) U.P.

The other letter of Central Bank of India dated 5-8-74 is reproduced below :

As informed by our Bhatpar Rani Office Mr. Parmeshwar Singh Armed Guard of that office has been relieved by them after the close of office hours on 2nd August 1974 for joining his training at Roorkee Military Camp Mr. Singh is therefore requested to proceed immediately to join the said training for a period of six weeks and thereafter report to our Bhatpa Rani.

Mr. Singh is also hereby informed that his absence for the said training period will be treated as duty and will be paid the same emolument he is drawing now but will have to deposit the emolument with the bank, which will be

received by him from the Military Authorities during the said period of his absence.

Not eligible

C.C. Not eligible

All these facts to show that the management was aware of the fact that the workman rendered defence service but the Central Bank of India kept its eyes closed and failed to redresses the grievance of the workman which he put before the Central Bank of India vide his representation dated 17-8-1987.

It is baseless on the part of the Central Bank of India to say that when the workman submitting supporting documents showing the past service in defence then only he could be given weightage of 1 year. This has been no leg to stand.

The evidence from the record it goes to prove that Parmeshwar Singh joined the Bank as sub staff on 5-4-1971 promoted to clerk cadre on 19-11-76 and he represented for weightage for one year in defence service when he was a clerk.

The workman has alleged that for graduate clerk weightage in service seniority is allowed for two years. The date of promotion of Parmeshwar Singh to the clerk is 19-11-76 in this notional date of seniority as a clerk comes to 19-11-1974 due to weightage of two years for services rendered in defence, if considered his seniority would have been 19-11-1973.

The Central Bank of India has not specifically denied that the graduate clerks are not allowed 2 years weightage. The Central Bank of India has also not denied the clerks are given 1 year weightage for service rendered in defence. In the circumstances there is no dispute to the extent that as a graduate clerk and defence personal serving in defence should have got 3 years weightage as clerk and in this way the worker should have been allowed the weightage from 19-11-1973 as alleged by the workman. The issue is therefore decided in favour of the workman. The management's denial of weightage from 1-1-1998 is unjustified and illegal.

Sofar as promotion of the workman to the post of Asstt. Manager from Nov. 1997 is concerned it is noteworthy that the management i.e. Central Bank of India has stated in para 5 of the W.S. that one can not be promoted on the post of Asstt. Manager simply on the basis of seniority. It is alleged that in the Central Bank of India promotion to the higher is not based on strictly on seniority but the same is based on passing written test and interview. The workman in rejoinder filed by him has not denied this fact. Therefore I come to the conclusion that the workman is not entitled to the promotion on the post of Asstt. Manager from Nov. 1997. However, he is entitled to the consequential benefits by granting weightage from the date he was promoted to the post of clerk i.e. 19-11-76.

24-6-2003

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 27 जून, 2003

का. आ. 2090.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91-के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा अनुसूची में उल्लिखित मैसर्स इंजीनियरिंग प्रोजेक्ट्स (इंडिया) लि., नई दिल्ली के नियमित कर्मचारियों पर दिनांक 02-10-1988 से 31-12-1999 तक की अवधि के लिए उक्त अधिनियम के प्रचालन से छूट प्रदान करती है।

2. उपर्युक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात्:—

- (1) पूर्वोक्त प्रतिष्ठान जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनाम दिखाये जायेंगे;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदर्भ अभिदायों के आधार पर हकदार हो जाते;
- (3) छूट प्राप्त अवधि के लिए यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाना/स्थापना का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् “उक्त अवधि” कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) अधिनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देती थी,
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या निगम का इस नियमित प्राधिकृत कोई अन्य पदधारी:—
 - (i) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यांपित करने के प्रयोजनार्थ;
 - (ii) यह अभिनिश्चित करने के प्रयोजनार्थ उक्त कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या
 - (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गये उन फायदों को, जिसके प्रतिफल स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
 - (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया अथवा नहीं;

निम्नलिखित के लिए सशक्त होगा:—

- (क) प्रधान/आसन्न नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या
- (ख) ऐसे प्रधान या आसन्न नियोजक के अधिभोगाधीन किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और भजदूरी के संदाय से संबंधित ऐसे लेखा, बहियों और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या आसन्न नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिनके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण, है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापना, कार्यालय के अन्य परिसर में रखे गए किसी रजिस्टर, लेखा बही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

[सं. एस-38014/49/2002-एसएस-I]

के. सी. जैन, निदेशक

व्याख्यात्मक ज्ञापन

इस मामले में पूर्वव्यापी प्रभाव से छूट प्रदान करना आवश्यक हो गया है, क्योंकि छूट के आवेदनों पर कार्रवाई करने में समय लगा। तथापि, प्रमाणित किया जाता है कि पूर्वव्यापी प्रभाव से छूट प्रदान किए जाने से किसी पर भी प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 27th June, 2003

S.O. 2090.—In exercise of the power conferred by Section 88 read with Section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby exempts the regular employees of M/s. Engineering Projects (India) Ltd.. New Delhi specified in the schedule from the operation of the said Act for a period 2-10-1988 to 31-12-1999.

2. The above exemption was subject to the following conditions namely:—

- (1) The aforesaid establishment wherein the employees are employed shall maintain a register showing the name and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory/establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees State Insurance (General) Regulations, 1950;
- i) Any inspector appointed by the Corporation under Sub-section (1) of Section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of:—
- (i) verifying the particulars contained in any return submitted under Sub-section (1) of Section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory to empowered to:
- (a) required the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises of any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises.

[No. S-38014/49/2002-SS-I]

K. C. JAIN, Director

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as processing of the applications for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.

नई दिल्ली, 24 जून, 2003

का० आ० 2091.—केन्द्रीय सरकार, श्रम मंत्रालय के संबद्ध कार्यालय कारखाना सलाह सेवा और श्रम संस्थान महानिदेशालय, मुंबई के 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों द्वारा हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिए जाने के परिणामस्वरूप इस कार्यालय को राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में एतद्वारा अधिसूचित करती है।

[फाइल संख्या ई-11011/1/93-रा० भा० नी०]

डॉ० एस० पूनिया, संयुक्त सचिव

New Delhi, the 24th June, 2003

S.O. 2091.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language (Use for Official purpose of the Union) Rule, 1976, the Central Government hereby notifies Directorate General, Factory Advice Service & Labour Institutes, Mumbai, an attached office of the Ministry of Labour, as more than 80% of its Officers/ Employees have attained working knowledge of Hindi.

[File No. E-11011/1/93-RBN]

D. S. POONIA, Jt. Secy.

नई दिल्ली 30 जून, 2003

का० आ० 2092.—केन्द्रीय सरकार, एतद्वारा कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5क की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, डा. एस. एम. दीवान को केन्द्रीय न्यासी बोर्ड के सदस्य के रूप में नियुक्त करती है और 17-03-2003 को भारत के राजपत्र असाधारण के भाग II, खण्ड-3 के उपखण्ड (ii) में प्रकाशित, भारत सरकार, श्रम मंत्रालय की

दिनांक 13-03-2003 की अधिसूचना सं० का० आ० 295 (अ) में निम्नलिखित संशोधन करती है।

2. कथित अधिसूचना में क्रम संख्या 30, श्री सुबीर राहा के सामने की गई प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

डॉ एस० एम० दीवान,
महानिदेशक,
स्कोप,
स्कोप कॉम्प्लेक्स,
7, लोदी रोड़,
नई दिल्ली-110003

[फा० सं० V-20012/2/2003-सा० सु० II]

संयुक्ता राय, अवर सचिव

New Delhi, the 30th June, 2003

S.O. 2092.—In exercise of the powers conferred by Sub-section (i) of Section 5A of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 (19 of 1952) the Central Government hereby appoints Dr. S. M. Dewan as a member of the Central Board of Trustees and makes the following amendment in the Notification of the Government of India in the Ministry of Labour S.O. 295 (E) dated the 13-03-2003 published in Part II, Section 3, Sub-section (ii) of the Gazette of India, Extraordinary dated 17-03-2003.

2. In the said notification for entries against serial no. 30 Shri Subir Raha, the following entries shall be substituted namely:—

Dr. S. M. Dewan,
Director General,
SCOPE,
Scope Complex,
7 Lodi Road,
New Delhi-110003.

[File No. V-20012/2/2003-SS. II]
SANJUKTA RAY, Under Secy.

नई दिल्ली, 30 जून, 2003

का०आ० 2093.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या 114/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-06-2003 को प्राप्त हुआ था।

[सं० एल-11012/123/2000-आई० आर० (सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 30th June, 2003

S.O. 2093.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 114/2000) of the Central Government Industrial Tribunal, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India and their workman, which was received by the Central Government on 27-06-03.

[No. L-11012/123/2000-IR(C-1)]
S. S. GUPTA, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : Shri B.N. Pandey

I.D. No. 114/2000

A. B. Handa,
3103, C-3, Vasant Kunj,
New Delhi-110070

... Workman

V/s

The Air India Limited,
Through the Managing Director,
Air India Building,
Nariman Point,
Mumbai.

2nd Address :

Hansalaya Building,
5th Floor,
15, Barakhamba Road,
New Delhi-110001.

... Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/123/2000(C-1) dated 18-10-2000 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of M/s Air India in dismissing the services of Shri A.B. Handa S/o Late Tara Chand staff No. 12590 w.e.f. 19-3-99 is just and legal? If not, to what relief is the said workman entitled?”

The workman has moved an application for withdrawing the case to which the management has no objection. On the request of the workman the case is taken up today for disposal. The prayer of the workman to withdraw his claim is allowed and the case is decided as withdrawn. The reference is answered accordingly.

Dated : 25-6-2003.

B. N. PANDEY, Presiding Officer

नई दिल्ली, 30 जून, 2003

का. आ. 2094.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14.) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी एस एन एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, नई दिल्ली के पंचाट (संदर्भ संख्या 98/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-06-2003 को प्राप्त हुआ था।

[सं. एल-40012/254/2001-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 30th June, 2003

S.O. 2094.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 98/2001) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BSNL and their workman, which was received by the Central Government on 30-06-03.

[No. L-40012/254/2001-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding officer: Shri B.N. Pandey

I.D. NO:98/2001

Mohan Kumar S/o Shri Mani Ram,
R/o 97, Harvanshwala,
Post Mehuwala,
District Dehradoon,

..... Workman

VERSUS

Chief General Manager, Telecom
Distt, Dehradun,
Dehradun-248001.

..... Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/254/2001-IR(DU), dated 18-12-2001 has referred the following industrial dispute to this Tribunal for adjudication:—

“Whether the action of the management of Bharat Sanchar Nigam Limited, Dehradun in terminating the services of Shri Mohan Kumar S/o Shri Maniram Ex-Caretaker w.e.f 4-11-99 is justified and legal ? If not to what relief the workman is entitled?”

2. Reference was registered on 2-1-02 and it was fixed for filling of Claim on 26-3-2002. On 26-3-2002 claim was not filed and it was fixed for 4-6-2002 for filing claim statement. On 4-6-2002 Workman was not present but in the order sheet it is written that claim already received on 28-3-02 by Regd. post and for filing of written statement adjourned to 8-8-02. On 8-8-2002 again none was present on behalf of the workman but management filed written statement. Its

copy was placed on record. For filing of rejoinder adjourned to 22-10-92 . on 22-10-92 rejoinder not filed. None was present and case was adjourned to 9-1-2003 for filing rejoinder. On 9-1-2003 again rejoinder not filed and none appeared for workman and fixed 9-4-2002 for rejoinder. On 9-4-2003 also none for workman appeared and rejoinder also not filed. Case was adjourned to 24-6-2003 for filing rejoinder. Today also none is present on either side rejoinder not filed. Even the claim statement was received by registered post. After the receipt of the reference the workman has not appeared even once. In the above circumstances it appears that the workman is not interested in pursuing the reference. Hence no Dispute Award is passed accordingly.

Dated : 24-6-03 B. N. PANDEY, Presiding Officer.

नई दिल्ली, 1 जुलाई, 2003

का. आ. 2095.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू स्टोन कंपनी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, धनबाद नं. 2 के पंचाट (संदर्भ संख्या 90/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-07-2003 को प्राप्त हुआ था।

[सं. एल-29012/44/2000-आई. आर. (विविध)]

बी.एम.डॉ. डैविड, अवर सचिव

New Delhi, the 1st July, 2003

S.O. 2095.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.90/2000) of the Central Government Industrial Tribunal-Cum-Labour Court Dhanbad No. 2 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s New Stone Quarry and their workman, which was received by the Central Government on 01-07-2003.

[No. L-29012/44/2000-IR(M)].

B. M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act. 1947.

Reference no. 90 of 2000

PARTIES : Employers in relation to the management of Smt. Kamala Devi, Lessees, New Stone Quarry, Lallu and their workman.

APPEARANCES :

On behalf of the workman	: None.
On behalf of the employers	: None.
State	: Jharkhand
Industry	: Stone Mine.

Dated, Dhanbad, the 10th June, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29012/44/2000-IR(M), dated, the 11th August, 2000.

SCHEDULE

"KYA NIYOJAK MESSRS. KAMAL A DEVI DWARA KAMGAR SHRI SARYUG YADAV KO KARYAMUKT KARNE KA KRITYA NAYOCHIT HAI? YADI NAHI, TO KAMGAR KIS RAHAT KA HAKDAR HAI."

In this reference neither the concerned workman nor his representative appeared before this Tribunal. The management also did not appear in this Reference. It is seen from the record that the instant reference was received by this Tribunal on 13-9-2000 and since then it is pending for disposal. Registered notices were also issued to the workman as well as to the management but none of them turned up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/ union. Naturally responsibility rests with the concerned workman/ union to assist the Court to dispose of the reference in issue on merit. In view of the decision of the Hon'ble Apex Court reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectations for appearance of the parties inspite of issuance of registered notices. As per I.D. Act the workman excepting under provision of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the Union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the court to disposed of the reference on merit but it depends on the cooperation on both sides. Here record will clearly expose that sufficient opportunities had been given to the parties but yield no result. This attitude shows clearly that the parties are not interested to proceed with the hearing of the case for disposal on merit.

In view of the facts and circumstances, I do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer.

शुद्धिपत्र

नई दिल्ली, 1 जुलाई, 2003

का. आ. 2096.—भारत के राजपत्र, भाग-II, खण्ड-3, उप-खण्ड (ii) में प्रकाशित श्रम मन्त्रालय, भारत सरकार की दिनांक 24-10-1981 की अधिसूचना, का० आ० संख्या 775 (अ) के पृष्ठ संख्या 1354 पर "अलवापेट" बशीराबाद (पूर्वी) के स्थान पर "अलवल", पेट बशीराबाद (पूर्वी) पढ़ा जाए।

[सं० एस० -38013/27/81-सा.सु.-1 (पार्ट)]

संयुक्ता राय, अवर सचिव

CORRIGENDUM

New Delhi, the 1st July, 2003

S.O. 2096.—In the Notification of the Government of India, Ministry of Labour, S.O. No. 775(E) dated 24-10-81, published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 24-10-81, at page 1354, for "Alwalpet, Basheerabad (East)" read "Alwal, Pet Basheerabad (East)".

[No. S-38013/27/81-S.S.I. (Part.)]
SANJUKTA RAY, Under Secy.

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2097.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा० को० को० लि० के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II धनबाद के पंचाट (संदर्भ संख्या 38/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-06-2003 को प्राप्त हुआ था।

[सं. एल-20012/474/99-आई. आर. (सी.2)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2097.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/2000) of the Central Government Industrial Tribunal-II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/474/99-IR(C-1)]
S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD****PRESENT**

Shri B. Biswas
Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 38 OF 2000

PARTIES: Employers in relation to the management of Lodna Colliery of M/s B.C.C.L and their workman

BCCL and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/450/96-IR(C-1)]
S. S. GUPTA, Under Secy.

APPEARANCES:

On behalf of the workman : Shri K. Chakraverty,
Advocate

On behalf of the employers : Shri D.K. Verma,
Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 10th June, 2003.

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act. 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/474/99-I.R (C-I), dated, the 18th February, 2000.

SCHEDULE

“Whether the action of the management of Lodna Colliery of M/s. BCCL in dismissing Sri Dhiren Bauri from the services of the company w.e.f. 26-5-97 is justified? if not, to what relief is the workman entitled?”

2. In course of hearing of the instant reference learned Advocate for the concerned workman submitted his prayer to pass a ‘No disput’ Award in this case as the concerned workman involved in it is not interested to proceed with in the matter of hearing. Learned Advocate for the management raised no objection if the instant reference is disposed of on the basis of ‘No dispute’ Award heard both sides. Since the workman side is not willing to proceed with the hearing of this case, there is no reason to drag on the same. Under such circumstances a ‘No disput’ Award is rendered and the reference is disposed of on the basis of ‘No dispute’ Award presuming non-existence of any industrial dispute between the parties presently.

B.BISWAS, Presiding Officer

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2098.—औद्योगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को० को० लि० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II धनबाद के पंचाट (संदर्भ संख्या 192/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-06-2003 को प्राप्त हुआ था।

[सं. एल-20012/450/96-आई. आर. (सी.1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2098.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 192/98) of the Central Government Industrial Tribunal-II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of

BCCL and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/450/96-IR(C-1)]
S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD**

PRESENT

Shri B. Biswas
Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act. 1947.

REFERENCE NO. 192 OF 1998

PARTIES: Employers in relation to the management of M/s B.C.C.L and their workman

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 10th June 2003

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act. 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/450/96-I.R. (Coal-I), dated, the 20th February, 1998.

SCHEDULE

“Whether the action of the management of Baraee Colliery of M/s. BCCL in denial regularies Shri Arun Kumar as winding engine operator is justified? If not, to what relief the concerned workman is entitled?”

2. In this reference neither the concerned workman nor his representative appeared before this Tribunal. The management also did not appear in this Reference. It is seen from the record that the instant reference was received by this Tribunal on 27-2-98 and since then it is pending for disposal. Registered notices were also issued to the workman as well as to the management but none of them turned up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/ union. Naturally responsibility rests with the concerned workman/ union to assist the court to dispose of the reference in issue on merit. In view of the decision of the Hon'ble Apex Court reported in 2002(94) FLR 624 it will not be just and proper to pass ‘no dispute’ Award when both parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents.

There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the court will pursue the matter suo moto with the expectations for appearance of the parties inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the court to dispose of the reference on merit but it depends on the cooperation on both sides. Here record will clearly expose that sufficient opportunities had been given to the parties but yielded no result. This attitude shows clearly that the parties are not interested to proceed with the hearing of the case for disposal on merit.

In view of the facts and circumstances, I do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer.

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2099.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की थारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को० को०लि० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II धनबाद के पंचाट (संदर्भ संख्या 4/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-06-2003 को प्राप्त हुआ था।

[सं. एल-20012/251/99-आई. आर. (सी.1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2099.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/2000) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/251/99-IR(C-1)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas
Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 4 OF 2000

PARTIES: Employers in relation to the management of P.B. Area of M/s B.C.C.L and their workman.

APPEARANCES:

On behalf of the workman :	None
On behalf of the employers :	Shri D.K. Verma Advocate

State : Jharkhand	Industry : Coal
Dated, Dhanbad, the 10th June, 2003.	

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/251/99-C-I dated, the 20th January, 2000.

SCHEDULE

"Whether the action of the management of Pootki Balihari Project BCCL in dismissing Shri Binesh Bhuiya, General Mazdoor from service w.e.f. 14-6-95 on grounds of unauthorised absence is just, proper and legal? If not, to what relief is the workman entitled?"

2. In this reference neither the concerned workman nor his representative appeared. However, though the management side appeared through their learned Advocate did not file their W.S. It is seen from the record that the instant reference was received by this Tribunal on 27-1-2000 and since then it is pending for disposal. As the concerned workman failed to appear before this Tribunal, registered notices were issued to the workman side inspite of the issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural course the question will arise what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference on merit. In view of the decision of the Hon'ble Apex Court reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed on merit but when the parties do not take any step or do not consider even to file W/S documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the workman inspite of issuance of registered notices. As per I.D. Act

the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workman. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer.

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2100.——औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को० को०लि० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I धनबाद के पंचाट (संदर्भ संख्या 17/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-06-2003 को प्राप्त हुआ था।

[सं. एल-20012/230/97-आई. आर. (सी.1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2100.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/98) of the Central Government Industrial Tribunal Court I Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/230/97-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. I) DHANBAD

In the matter of a reference U/s 10(1)(d)(2A) of the I.D. Act, 1947.

REFERENCE NO. 17 OF 1998

PARTIES: Employers in relation to the management of Kankanee Colliery of M/s B.C.C.Ltd.
AND
Their Workmen.

PRESENT : Shri S.H. Kazmi,
•Presiding Officer

APPEARANCES:
For the Employers : None
For the Workman : None
State : Jharkhand Industry : Coal

Dated, the 16th June, 2003.

AWARD

By Order No. L-20012/230/97-IR(C-I) dated 30-4-1998 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of Sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Kankanee Colliery under Sijua Area of M/s. BCCL in not referring Sh. Ramdresh Harijan, Scrapper Khalasi of Kankanee Colliery to Apex Medical Board (after calling the passport size photograph for AMB-6 form with a view to refer Shri Harijan to Apex Medical Board vide letter dated 2-5-1991) for assessment of his age is justified? If not, to what relief is the workman entitled?”

2. Having gone through the record it appears that upon being registered in the year 1998 the present reference is still pending since then for appearance and for filing of the written statement on behalf of the workman/union. Notices were sent even under registered cover to the workman/union for the said purpose but that also proved to be of no avail. At no stage till date anyone appeared and took the necessary step as required. It is thus evident that the workman/union is no more interested in pursuing the present dispute otherwise there does not appear to be any reason why this case has been left unattended by them. As the person concerned at whose instance the present case has been referred to this Tribunal for adjudication himself has lost interest in this case due to any reason whatsoever, it is absolutely needless to keep this case pending any longer, rather allowing this case to remain pending would be just sheer wastage of time which cannot be allowed as this Tribunal is already over burdened with hundreds of cases waiting for final disposal.

In view of all the above, this case stands finally disposed of.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 2 जुलाई, 2003

का०आ० 2101.—औद्योगिक विवाद अधिनियम, 1947
 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा० को०
 को० लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के
 बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
 अधिकरण-11 धनबाद के पंचाट (संदर्भ संख्या 244/2001) को प्रकाशित
 करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हुआ था।

[सं० एल-20012/264/2001-आई०आर०(सी० 1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2101.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 244/2001) of the Central Government Industrial Tribunal II, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/264/2001-IR (C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section
 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 244 OF 2001

PARTIES : Employers in relation to the
 management of Govindpur Area No.
 III of M/s. B.C.C.L. and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : None.

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 10th June, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/264/2001-I.R. (C-I), dated, the 13th September, 2001.

SCHEDULE

"Whether the demand of the union for payment of balance 50% of the wages to Sri Birju Rabidas for the suspension from 27-9-1995 to 11-3-1997 is proper and justified? If so, to what relief is the workman concerned entitled?"

2. In this reference neither the concerned workman nor his representative appeared before this Tribunal. The management also did not appear in this reference. It is seen from the record that the instant reference was received by this Tribunal on 3-10-2001 and since then it is pending for disposal. Registered notices were also issued to the workman as well as to the management but none of them appeared before this Tribunal. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision of the Hon'ble Apex Court reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectations for appearance of the parties in spite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions in spite of receiving notices do not care to appear before the Court for the interest of the workmen. These unions in spite of receiving notices do not care to appear before the Court for the interest of the workmen and as a result they have been deprived of getting any justice. Until and unless the attitude of the Union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation on both sides. Here record will clearly expose that sufficient opportunities had been given to the parties but yeilded no result. This attitude shows clearly that the parties are not interested to proceed with the hearing of the case for disposal on merit.

In view of the facts and circumstances, I do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 जुलाई, 2003

का०आ० 2102.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा० को० को० लि० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 41/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हुआ था।

[सं० एल-20012/501/2000-आई०आर० (सी० 1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2102.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 41/2001) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/501/2000-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act. 1947

REFERENCE NO. 41 OF 2001

PARTIES: Employers in relation to the management of M/s. B.C.C.L. and their workman.

APPEARANCES:

On behalf of the workman : None.

On behalf of the employers : Shri U. N. Lall,
Advocate.

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 10th June, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/501/2000 (C-I), dated, the 12th February, 2001.

SCHEDULE

“Whether the action of the management of M/s. BCCL in not regularising the services of the workman Sri Fatik Chandra Bouri, of Dobari Colliery, as a Security Guard is justified, legal and proper? If not, to what relief is the workman entitled and from what date?”

2. In this reference neither the concerned workman nor his representative appeared. However, though the management side appeared through their learned Advocate, did not file their W.S. It is seen from the record that the instant reference was received by this Tribunal on 9-3-2001 and since then it is pending for disposal. As the concerned workman failed to appear before this Tribunal, registered notices were issued to the workman side but in spite of the issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural course the question will arise what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in on merit. In view of the decision of the Hon’ble Apex Court reported in 2002(94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed on merit but when the parties do not take any step or do not consider even to file W/S documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectations for appearance of the workman in spite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions in spite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the

reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2103.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 55/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/289/96-आई.आर (सी. 1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2103.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/98) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/289/96-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

SHRI B. BISWAS,

Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act. 1947

REFERENCE NO. 55 OF 1998

PARTIES: : Employers in relation to the management of M/s. C. C. L. and their workman.

APPEARANCES:

On behalf of the workman	: None.
On behalf of the employers	: Shri D. K. Verma, Advocate.
State	: Jharkhand
Industry	: Coal.

Dated, Dhanbad, the 10th June, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/289/96-I.R. (Coal-I), dated, the 12th March, 2003.

SCHEDULE

“Whether the action of the management of CCL, HQ., Ranchi in not paying attendance bonus to the security personnel posted at CCL HQ Ranchi w.e.f. 1-1-1987 with wages for working on weekly day of rest was proper and justified? If not, to what relief the concerned workmen are entitled?”

2. In this reference neither the concerned workman nor their representative appeared. However, though the management side appeared through their learned Advocate, did not file authority and W.S. It is seen from the record that the instant reference was received by this Tribunal on 23-3-98 and since then it is pending for disposal. As the concerned workman failed to appear before this Tribunal, registered notices were issued to the workman side but inspite of the issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural course the question will arise what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in the merit. In view of the decision of the Hon'ble Supreme Court reported in 2002(94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed on merit but when the parties do not take any step or do not consider even to file W/S documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance

of the workman inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2104.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 39/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/475/99-आई.आर (सी. 1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2104.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 39/2000) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/475/99-IR (C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

SHRI B. BISWAS,
Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 39 OF 2000

PARTIES:

Employers in relation to
the management of
Lodna Colliery of M/s.
B.C.C.L. and their
workman.

APPEARANCES:

On behalf of the workman	:	Shri K. Chakravorty, Advocate.
On behalf of the employers	:	Shri D. K. Verma, Advocate.
State	:	Jharkhand
Industry	:	Coal.

Dated, Dhanbad, the 10th June, 2003

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/475/99 I.R. (C-I), dated, the 18th February, 2000.

SCHEDULE

“Whether the action of the management of Lodna Colliery of M/s. BCCL in dismissing Sri Sunil Bauri Loader from the services of the company w.e.f. 27-3-97 is justified? If not, to what relief the workman is entitled?”

2. In course of hearing of the instant reference learned Advocate for the concerned workman submitted his prayer to pass a ‘No dispute’ Award in this case as the concerned workman involved in it is not interested to proceed with in the matter of hearing. Learned Advocate for the management raised no objection if the instant reference is disposed of on the basis of ‘No dispute’ Award. Heard both sides. Since the workman side is not willing to proceed with the hearing of this case, there is no reason to drag on the same. Under such circumstances, a ‘No dispute’ Award is rendered and the reference is disposed of on the basis of ‘No dispute’ Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को.

के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 30/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/14/97-आई.आर. (सी. 1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2105.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/98) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/14/97-IR (C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD**
PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 30 OF 1998

PARTIES:

The Employers in relation to the management of Govindpur Area No. III M/s. B.C.C.L. and their workmen.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Shri D. K. Verma,
Advocate
Authorised Representative.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 10th June, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of

the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/14/97-IR (C-1), dated, the 20th/21st February, 1998.

SCHEDULE

“Whether the action of the General Manager, Govindpur Area No. III of M/s. BCCL, P.O. Sonardih, Dist. Dhanbad in denying to register the services of Shri Birtram Singh Kurwaha, Pay Loader Operator as Shovel Operator is justified? If not, to what relief is the concerned workman entitled to?”

2. In this reference neither the concerned workman nor his representative appeared. However, the management side though appeared through their authorised representative before this Tribunal but did not submit any written statement. It is seen from the record that the reference was received by this Tribunal on 16-3-98 and since then it is pending for disposal. As the concerned workman failed to appear, registered notices were issued to the workman side but in spite of issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural course the question will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002 (94) FLR 624 it will not be just and proper to pass ‘No Dispute’ Award when both parties remain absent. There is also no scope to answer the reference on merit *suo moto* in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S./documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectations for appearance of the workman inspite of issuance of repeated registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows

clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2106.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधनत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 162/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/177/97-आई.आर. (सी. 1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2106.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 162/98) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L and their workmen, which was received by the Central Government on 30-06-2003.

[No. L-20012/177/97-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

*In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 162/98

PARTIES:

Employees in relation to
the management of
Kusunda Area of M/s.
B.C.C.L. and their
workmen.

APPEARANCES

On behalf of the WORKMEN

Shri D. K. Verma,
Advocate.

On behalf of the employers : Shri D. K. Verma,
Advocate.

Dated, Dhanbad, the 10th June, 2003

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/177/97- Coal-I, dated, the 3rd June, 1998.

SCHEDULE

"Whether the action of the management of Kusunda Area No. VI of BCCL is not regularising Md. Ansari as Night Guard is justified ? If not, to what relief the workman is entitled ?"

2. In course of hearing of the instant reference case learned Advocate for the workman submitted his prayer to pass a No Dispute Award as the concerned workman involved in this dispute is not interested to proceed with in the matter of hearing of this case. Learned Advocate for the management raised no objection if the reference is disposed of on the basis of 'No Dispute' Award. Heard both side. Since the concerned workmen is not willing to proceed with the case, there is no reason to drag on the same. Under such circumstance a 'No Dispute' Award is rendered and the present reference is disposed of on the basis of the No Dispute Award, presuming non-existence of any Industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2107.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 17) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधनत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 36/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/470/96-आई.आर. (सी. 1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2107.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 36/98) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the manage- ment of

BCCL and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/470/96-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act. 1947

REFERENCE NO. 36 OF 1998

PARTIES.

: Employers in relation to the Management of Benedih Open Cast Project of M/s. B.C.C.L. and their workman.

APPEARANCES:

On behalf of the workman	: None
On behalf of the employers	: Authorised representative
State	: Jharkhand
Industry	: Coal

Dated, Dhanbad, the 10th June, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication yide their Order No. L-20012/470/96-I.R. (C-I), dated, the 19/27th Feb. 1998.

SCHEDULE

“Whether the denial to regularised Shri M.N. Ojha in the post of Foreman Incharge Tech. & Supervisor Grade A. w.e.f. 7-5-92 by the management of Benedih Open Cast project of M/s. BCCL P.O. Navagarh (Dhanbad) is justified? If not, to what relief the workman is entitled to?”

2. In this reference neither the concerned workman nor his representative appeared. However, the management side though appeared before this Tribunal and filed only

authorisation did not take any further step to file Workman statement. It is seen from the record that the instant reference was received by this Tribunal on 16-3-98 and since then it is pending for disposal. The concerned workman failed to appear though registered notices and show cause notices were issued to him. They also did not even respond to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. It view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S./documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectations for appearance of the workman inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed. I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2108.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद

के पंचाट (संदर्भ संख्या 159/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/179/97-आई.आर. (सी. 1)]
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2108.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 159/98) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tisco and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/179/97-IR (C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 159 OF 1998

PARTIES: : Employers in relation to the management of M/s. TISCO and their workman.

APPEARANCES:

On behalf of the workman	: None
On behalf of the employers	: None
State	: Jharkhand
Industry	: Coal

Dated, Dhanbad, the 10th June, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/179/97-I.R. (C-1), dated, the 3rd June, 1998.

SCHEDULE

"Whether the action of management is dismissing Sri Mikhdeo Turi, Minor P.N. 215154 of Bhelat and collieries is justified? If not, so what relief the workman is entitled to?"

2. In this reference neither the concerned workman nor his representative appeared. However, the management side appeared on one occasion but failed to appear subsequently in spite of issuance of notices. It is seen from the record that the instant reference was received by this Tribunal on 17-7-1998 and since then it is pending for disposal. Registered notices and Show cause notices were also issued to the workman side but in spite of issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No Dispute' Award when both parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S./documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectations for appearance of the workman inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer.

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2109.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार के०एम० हार्ड कोक इंडस्ट्रीज के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II धनबाद के पंचाट (संदर्भ संख्या 201/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/124/98-आई.आर. (सी. 1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2109.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 201/98) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of K.M. Hard Coke Industries and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/124/98-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD
PRESENT:**

Shri B. Biswas,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 201 OF 1998

PARTIES:

: The Employers in relation to the management of M/s. K.M. Hard Coke Industries, Govindpur Dhanbad and their workmen.

APPEARANCES:

On behalf of the workman	: None.
On behalf of the employers	: None.
State	: Jharkhand
Industry	: Coal.

Dated, Dhanbad, the 10th June, 2003

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(I)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/124/98-I.R. (C-I), dated, the 1st December, 1998.

SCHEDULE

“Whether the action of the management of M/s. K.M. Hard Coke Industries, Govindpur Dhanbad in stopping the workmen as per Annexure-I without following due of law is justified? If not, to what relief the workmen are entitled?”

2. In this reference neither of the parties turned up before this Tribunal. It is seen from the record that the instant reference was received by this Tribunal on 15-12-98 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman as well as to the management but inspite of the issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/Union. Naturally responsibility rests with the concerned workman/Union and the management to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation do dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance for the workman and the management inspite of issuance of registered notices. As per I.D. Act the workman excepting under provision of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the union for their workmen. These unions inspite of receiving notices did not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice until and unless the attitude of the union is changed. I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2110.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधनत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 81/97) को प्रकाशित करती है, जो केन्द्रीय सरकार ज्ञा 30-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/91/96-आई.आर. (सी. 1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2110.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 81/97) of the Central Government Industrial Tribunal II Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 30-06-2003.

[No. L-20012/91/96-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas,
Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 81 OF 1997

PARTIES: : Employers in relation to the management of Sendra Bansjora Colliery of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workman : Shri D. Mukherjee,
Advocate

On behalf of the employers : Shri R.N. Ganguly,
Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 9th June, 2003

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/91/96 IR (C-I), dated, the 29th August, 1997.

SCHEDULE

“Whether the claim of the Union that Smt. Anita Bhuni and 211 others (as per list annexed with the order of reference) have worked as casual wagon loader in the Sendra Bansjora Colliery of M/s. BCCL during the period 1973-76 is correct? If so, the demand raised for their employment by the management in the year 1994 on the basis of Circular No. BCCL/IR/22 (14)/90/31417-667 dated 4th June, 1980 is legal and justified? If so, to what relief are these persons entitled?”

2. The case of the concerned workmen according to the W.S. submitted by the sponsoring Union on their behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workmen were originally appointed against permanent vacancy in the permanent and continuous nature of job and since then they started working practically as permanent casual wagon loaders at Sendra Bansjora colliery under the direct control and supervision of the management. The said workmen had put in continuous service for more than a year and for which they acquired permanent status. The sponsoring Union alleged that as soon as the concerned workmen started demanding their regularisation as well as wages as per NCWA the management stopped them from service without assigning any reason and also without following the mandatory provision of law. They further alleged that though the concerned workmen had been working in permanent and perennial nature of job till then the management did not maintain statutory records and documents only to deprive them of their legitimate claim and other legal dues. They alleged that the concerned workmen submitted representations before the management several times for maintenance of statutory records and documents regarding their employment but without any effect. Practically the management treated the concerned workmen as delisted casual workmen and accordingly they stopped them from service with effect from June, 1977 without assigning any reason and without following mandatory provision of Section 25F of the I.D. Act and also without following the provision of the principle of natural justice. They submitted that the management subsequently took a policy decision to employ all delisted casual workmen who had put in 75 days of attendance during the year 1973-76. In pursuance of that policy decision and circular of the management a large number of delisted casual workmen who had put in 75 days attendance during 1973-76 were taken into employment depriving the claim of the concerned workmen though they had put in more than 75 days attendance during the year 1972 till the date of illegal stoppage from duty/work. They submitted that the concerned workmen in pursuance of

the said circular further submitted representation with a prayer for their regularisation in service but the management in spite of giving assurance for favourable decision did not materialise the same. They further allege that over their claim the management in the year 1983 discussed for their employment and minutes of discussion was also prepared wherein and whereby it was agreed that they will be provided employment and the said decision will be implemented before 31-3-1983. But in spite of that discussion the management did not take any step yet. As a result of which they raised an industrial dispute before the ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

3. Management on the contrary after filing W.S. - cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in their W.S. on behalf of the concerned workmen. They submitted that with a view to tide over certain pecuniary position caused in the BCCL colliery in general for the spurt of absenteeism by miner/loader resulting of wide scale production loss of coal affecting the country's economy vigorously, BCCL in consultation with different trade unions functioning in various units of the company had issued a circular bearing No. D/(P)P.S./86/2649-949 (H) dated 8/9-5-1986 to meet the additional requirement of miner loaders amongst many other sources including the source of delisted casuals who had worked for 75 days in any of the calendar year from 1973—1976. They submitted that prior to above circular there was another circular issued by the BCCL vide reference No. BCCL/IR/22/(14)/080/51417-667 dt. 4-8-1980 through which in consultation and discussion with the Central Trade Union organisations functioning in the BCCL it was decided that some Badli loaders should be deployed in different units of the company only for the duration the position of availability of permanent miners and loaders is improved. It was made further clear that the BCCL management would not take responsibility with regard to their deployment on regular basis or for that matter they would have no claim whatsoever with regard to their employment. In the said circular though it was decided that the deployment of such Badli Miner/Loader would be preferred from the list of delisted casual wagon loaders who had 75 days attendance more right from 1973 to 1976. It has to be noted that the decision was modified through circular of 1986. In view of the two circulars, particularly one in 4-8-80 the management of Sendra Bansjora Colliery of Sijua Area of the BCCL to meet the demand for coal and also for the interest of smooth running and despatch of coal through rail, set up a joint committee consisting of 6 persons including the representative of the union to verify and check the names and attendance of delisted casuals. Thereafter on the basis of the report and recommendation of the said Joint Committee 61 persons who qualified as per

the guidelines of the circular vide Ref. No. BCCL/IR/22 (14)/80/51417-667 dt. 4-8-1980 were given employment in the colliery on different dates and with the deployment of those 61 casual in the colliery, the requirement of wagon loaders were fully completed since the colliery had a very small railway siding. While with the said two circulars stated above the colliery management was aiming in the improvement of in the coal production in the national interest, some trade union people started in scrupulous efforts to serve their vested interest by making fake and fictitious people inducted in the employment of the colliery through got up and connected litigation with nefarious ends in mind they raised with imaginary disputes with the colliery and subsequently when the colliery did not agree to accept their demands, they made disputes to the ALC(C) Dhanbad for conciliation. First such imaginary dispute which was raised regarding the present matter was that of Koyla Shramik Seva Sangh (KSSS) vide case No. 310/92 which was in respect of 101 fake and alleged delisted casuals. However, the same was withdrawn by the said union when the management put forward their pleadings. Subsequently, thereafter another dispute was raised by the Secretary of the Colliery Shramik Sangh in respect of the same matter vide case No. 119/93 but here the number of claimants surprisingly and all of a sudden sprang upto 212. However, when the management did not accept the plea of the Union and turned down the dispute, the failure of conciliation was reported by the Conciliation Officer to the Ministry vide their Notification No. B/20012/161/96-IR(C) dismissed the dispute holding that the demand for reinstatement after a period of 16 years is highly belated and not valid industrial dispute. Subsequently another dispute was raised before the ALC(C), Dhanbad in respect of the same matter and same persons by Sri N.G. Arun, a Central Executive member of RCMS vide case file No. 286/93 and when the union found management's pleadings that all the persons were fake and imaginary, withdrew the dispute. One Smt. Mariyam Khatoon, the Secretary of NCWF came on the scene with the dispute of the same 212 fake and imaginary delisted casuals with no strength of the membership of NCWF but on the strength of an agreement purported to have been executed by one Hemlal Bhuiya of Bansjora, P.S. Jogta, Distt. Dhanbad on his behalf and on behalf of others in favour of the said Mariyam Khatoon which is quite unheard of and unprecedented history of Industrial dispute. At the conciliation stage the management gave the same plea which they placed in the earlier case and submitted that all those 212 persons were strangers, fake and imaginary persons. When the conciliation matter in the instant case ended in failure, the ALC(C) submitted their report to the Ministry and the Ministry referred the matter to this Tribunal for adjudication. They submitted that the concerned workmen Anita Bhuiyan and 212

persons as per list are strangers and job seekers through litigation. As a matter of fact they never worked at Sendra Bansjora during the period 1973—76. They submitted that the claim of these workmen to work as casual wagon loaders at Sendra Bansjora during the period 1973—76 is false in view of agreement by and between Hemlal Bhuia and Mariyam Khatoon, Secretary of NCWF. Accordingly the management submitted their prayer to pass award rejecting the claim of the concerned workmen.

4. The points to be decided in this reference are,—

“Whether the claim of the Union that Smt. Anita Bhuini and 211 others (as per list annexed with the order of reference) have worked as casual wagon loader in the Sendra Bansjora Colliery of M/s. BCCL during the period 1973—76 is correct? If so, the demand raised for their employment by the management in the year 1994 on the basis of Circular No. BCCL/IR/22 (14)/90/31417—667 dated 4th June, 1980 is legal and justified. If so, to what relief are these persons entitled ?”

DECISION WITH REASONS

5. It is seen that the sponsoring Union in order to substantiate their claim examined one witness. The management also in order to substantiate their claim examined one witness as MW-1. From the evidence of WW-1 it transpires that the concerned workmen were engaged as wagon loaders by the management of Sendra Bansjora Colliery in the year 1972. They submitted that the nature of job which they used to perform was permanent in nature. This witness disclosed further that in the month of June, 1977 the management stopped them from working as wagon loader. However, during the period from 1972 to 1977 they put in attendance of 240 days in each calendar year. This witness alleged that though during the period from 1973—1976 the management engaged wagon loaders as miner/loaders who put in service for 75 days during the said period did not consider their claim in spite of giving their attendance of more than 240 days in each year till the date when they had been stopped from work by the order of the management. He further disclosed that the concerned workmen were designated as delisted casual loaders while serving at Sendra Bansjora colliery for which they were not supplied with any I.D. card although their attendance was duly noted in the Attendance Register. Photo copies of the Attendance Register during evidence of this witness was marked as Ext. W-1 series. They disclosed that in spite of submitting representation the management did not consider their claim. MW-1 on the contrary during his evidence disclosed that there was a scheme for regularisation of the services of the delisted casuals who gave 75 days attendance in a year for the period from 1972—76. He further disclosed that as per the said scheme

the services of 61 persons of the delisted casuals were regularised. This witness categorically denied the fact that the concerned workmen worked under the management on any day as delisted casual worker. This witness during his cross-examination admitted that the names of the delisted casuals are not recorded in the Form B Register. They are also not provided with I.D. Card. The attendance of delisted casual workers are counted from attendance register as well as from Bonus register. This witness further categorically denied the fact that the concerned workmen were delisted workers and they gave more than 75 days of attendance during the period from 1973—76. He further disclosed that the circular as referred in the reference of the instant case was not issued by the management and the said fact has duly been incorporated in the W.S. submitted by them. Now considering the evidence of WW-1 and MW-1 and also considering the facts disclosed in the pleadings it transpires clearly that while the sponsoring union submitted their specific claim that the concerned workmen were delisted casual workers who performed their duties from 1972 to June, 1976, the management submitted that they never employed the concerned workmen as Miner/ Loader and accordingly question of their delisting did not arise at all. They also categorically denied the fact about giving attendance of these workmen for more than 240 days in each calendar year during the period in question. It transpires clearly that the management in order to meet up the acute shortage of wagon loaders decided to give employment of some delisted casual workers in consultation with the trade union leaders for which they issued two circulars one in the year 1980 and other in the year 1986. Further they denied the fact relating to issuance of any circular No. referred to by the Ministry. From the reference made by the Ministry it transpires that they have referred the existence of circular No. BCCL/IR/22 (14)/90/31417—667 dt. 4-6-80. Management in course of hearing have denied the existence of that circular. They submitted that on 4-8-1980 management issued a circular bearing No. BCCL/IR/22(14)080/51417—667 dt. 4-8-1980. Subsequently they issued another circular bearing No. D (P)/P.S./86/2649-949(H) dated 8/9-5-86 for employment of Miners/Loader from the delisted casual workers to meet the additional requirement to do work for 75 days in any of the calendar year from 1973—76. As the management denied the existence of the circular which has been mentioned in the reference question of its production on their part did not arise. The sponsoring union in course of hearing have also failed to produce the said circular in question. Until and unless the existence of that circular is ascertained there is no scope to take up any decision following the guideline made therein. However, let us consider the other two circulars which have been relied on by the management dt. 4-8-80 and dt. 8/9-5-86. In the circular bearing No. BCCL/IR/22/

(14)080/51417-667 dated 4-8-1980 it was decided that employment of the delisted casual wagon loaders who had put in 75 days attendance during the period from 1973 to 1976 may be considered as badli Miner/loader. By the said circular the management ensured that badli workers are to be deployed only when the work is available. The name of the said badli worker should be properly recorded and identified and each colliery will maintain register which should be called as badli register. The said circular was issued in view of the discussion with the members of the Central Trade Union organisation and the consensus is that the management can deploy badli loaders in place of permanent miners/loaders who are temporarily absent for one reason or the other. It was further decided that employment of badli loaders will be only for the duration till the position of availability of miners/loaders is not improved. Further it was decided that the management will not take any responsibility with regard to their employment on regular basis or for that matter they will have no claim whatsoever with regard to their employment. By the said circular the management have clearly mentioned criteria which are to be fulfilled for recruitment of badli workers from delisted casual underground contractors workers engaged in prohibited category, cooperative workers who have been working in various kinds of contractual jobs in the underground. The qualification for recruitment of badli workers from delisted are as follows:—

- (i) The age of the candidates should be more than 40 years.
- (ii) He will have to pass physical/job test.
- (iii) He should be medically fit.
- (iv) There should be proper verification of their attendance from authentic records.
- (v) There should be proper identification of each individual.

The circular dt. 8/9-5-86 was issued with a view to meet up additional requirement of miner/loaders from different categories including delisted casuals. Therefore, these two circulars have exposed clearly why the management decided to engage some badli workers as per yardstick mentioned therein. However, it is clearly that the management by the circular dt. 4-8-80 did not give assurance for regularisation of those badli workers who are to be deployed for miner/loaders in order to meet the crisis in question. It is the specific claim of the sponsoring union that the concerned workmen worked under the management from 1972 to 1976 as delisted casual workers and during these periods they put their attendance for more than 240 days in each calendar year. They alleged that inspite of

giving such attendance the management ignoring their claim employed some delisted casual workers who have only put in 75 days attendance in each year during the said period. Accordingly they submitted representation before the management for consideration of their claim but the management did not do anything. On the contrary the claim of the management is that the concerned workmen never worked under the management during the period in question either as delisted casual worker or under any other shape. They disclosed that the sponsoring union have manufactured a list of the workmen maliciously for their personal gain and for which there was no question at all to consider their claim in question. Therefore, the moot question which is to be considered here is whether the concerned workmen ever employed by the management and if they worked under the management during the period in question. It has been categorically submitted by the sponsoring union that in the year 1972 the management appointed these workmen as casual miner/loaders but in support of their claim they have failed to produce a single scrap of paper. The Wagesheets and I.D. card could have been considered as vital documents to prove the identity of these workmen but they did not consider necessary to produce a single scarp of paper in this regard. Even the sponsoring union did not consider necessary to examine any senior worker who found the concerned workmen to work at Sendra Bansjora colliery. It is unbelievable to consider that inspite of their rendering work for more than 5 years under the management they have failed to produce a single scrap of paper in support of their claim excepting the copies of attendance register. The copies of the attendance register during evidence of WW-I was marked as Ext. W-1. Since I have considered the copies of the attendance register very carefully and from these attendance register under any circumstances there is any scope to draw this conclusion that the same was maintained by the management under the signature of their official. As such relying on these attendance register I find no scope to draw any conclusion that these workman worked as delisted workers under the management during the period in question. In course of hearing the representative of the concerned workman referred two decision reported in 1996 (2) L.L.N. 871, 1985 Supreme Court Cases (L&S) 975, 2002 Lab I.C. 987 (SC). In the decision reported in 2002 Lab I.C. 987 Their Lordships of the Hon'ble Apex Court observed that Onus lies upon the claimant to show that he had worked for more than 240 days in a year. In absence of proof of receipt of salary or wages or record of appointment, filing of an affidavit by workman is not sufficient evidence to prove that he had worked for more than 240 days in a year preceding his termination. I have already discussed above that in course of hearing the sponsoring union have failed to produce a single scrap of paper namely salary or

Wagesheets, proof of appointment, I.D. Card to establish that the concerned workman were actually engaged by the management and they worked for more than 75 days in a year during the period in question. As the attendance sheet which the sponsoring union relied on I have carefully considered and find no hesitation to say that the same could not be considered as trustworthy to arrive at any conclusion that these workmen were actually engaged by the management.

6. It is seen that workman have failed to produce the existence of the circular which has been mentioned in the reference in question. Accordingly there is no scope to consider the facts disclosed in the said circular and obviously there is no scope to draw any conclusion in the matter of giving relief to the concerned workmen relying on the said circular. Instead of that circular I have discussed about other circulars which the parties relied on in course of hearing of the conciliation proceeding before the ALC(C) Dhanbad. I have already discussed these two circulars above and for which it is needless to discuss further. According to the circular of 1980 the management decided to give employment of some delisted casual workers and badli workers absolutely on temporary measure during the vacancy period. The management did not give any sort of assurance regarding regularisation of the badli workers. Therefore, the prayer of the concerned workmen does not appear in conformity with the circular in question. According to the prayer the sponsoring union have claimed employment of the concerned workman with retrospective effect with all arrears of wages and consequential benefits. The question of regularisation of the concerned workman according to such prayer comes in if it is established that they worked against permanent vacancy and for more than 240 days in each calendar year. The sponsoring union have lamentably failed to establish such claim. On the contrary they claim that the concerned workmen were delisted workmen of the management. A delisted worker finds no scope to get job continuously. The circulars referred to above definitely will support the claim as because of the fact that the management decided to give employment of some delisted workers as badli workers. The sponsoring union have lamentably failed to establish that the concerned workman were engaged by the management during the period in question. Relying on the decisions referred to above onus absolutely lay on the sponsoring union to establish this fact. I find no hesitation to say that the sponsoring union have lamentably failed to establish their claim. As no material fact is forthcoming to establish that the concerned workmen worked continuously during the period from 1972 to 1976 I find no sufficient ground to uphold their claim directing the

management to regularise their services. In the result the following award is rendered:—

"The claim of the Union that Smt. Anita Bhuiyan and 211 others (as per list annexed with the order of reference) have worked as casual wagon loader in the Sendra Bansjora Colliery of M/s. BCCL during the period 1973-76 is not correct. Accordingly, the demand raised for their employment by the No. BCCL/IR/22(14)/90/31417-667 dated the 4th June, 1980 is not legal and not justified. Consequently, the concerned workmen are not entitled to get any relief."

B. BISWAS, Presiding Officer.

नई दिल्ली, 2 जुलाई, 2003

का. आ. 2111.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसार में, केन्द्रीय सरकार एसियाना एअरस्टाइंस के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण नई दिल्ली के पंचाट (संदर्भ संख्या 32/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हुआ था।

[सं. एल-11012/22/2001-आई.आर. (सी. 1)]

एस. एस. गुप्ता, अवार सचिव

New Delhi, the 2nd July, 2003

S.O. 2111.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/2001) of the Central Government Industrial Tribunal New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Asiana Airlines and their workman, which was received by the Central Government on 30-06-2003.

[No. L-11012/22/2001-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NEW DELHI

Presiding Officer

SHRI B. N. PANDEY

I. D. NO. 32/2001

Shri Malkeet Singh, Driver,
C/o New Delhi General Mazdoor Union,
B-89, Gulmohar Park, New Delhi-110049. Workman

Versus

The Management of M/s. Asiyana Airlines,
G F. 2, Ansal Bhawan,
New Delhi-110001.

..... Management

AWARD

The Central Government, in the Ministry of Labour vide its order No. L-11012/22/2001-C-1 dated 30-4-2001 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of M/s. Asiyana Airlines, in stopping Shri Malkiat Singh, Driver from the services w.e.f. 2-9-98 is justified, legal and proper? If not, to what relief is the workman entitled?"

2. The reference was registered on 6-6-2001 and notice for filing claim was issued to the petitioner/workman for 30-7-2001. On 30-7-2001 none was present for both the parties. Notice to parties was issued for 21-9-2001. On 21-9-2001 presence of one Shri Atul Nagrajan for workman is mentioned and it was also mentioned that claim statement filed and adjourned to 22-11-2001 for filing written statement but there is no authority of Atul Nagrajan. On 22-11-2001 none for management appeared and case was adjourned to 21-2-2002 for filing written statement. On 21-2-2002 none was present. Fresh notice to management was ordered to be issued for filing written statement on 16-5-02. On 16-5-02 order for *ex-parte* proceeding against management was passed and the case was adjourned to 27-6-02 for *ex-parte* evidence of the workman. On 16-5-02 on perusal of the file it was noticed that the alleged claim statement on the file was merely a photo copy and its copy was also not received by management. Hence order to issue fresh notice to the workman was passed and notice was issued. Thereafter none appeared on either side. Despite notice workman has failed to appear and file claim statement. It appears that he is not interested in prosecuting the case. Hence no dispute award is passed accordingly.

D. J. 24-6-2003.

B.N. PANDEY, Presiding Officer

नई दिल्ली, 2 जुलाई, 2003

अदान आदे 2112.—औद्योगिक विवाद अधिनियम, 1947
इस अदान की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा को के गवर्नर के सब्बद नियाजकों और उनके कमिकारों के बीच, अनुवंश में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार (1) विवाद के पंचाट (संदर्भ संख्या 35/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/458/96-आई.आर. (सी. 1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd July, 2003

S.O. 2112.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 35/98) of the Central Government Industrial Tribunal-II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tisco and their workman, which was received by the Central Government on 30-06-2003.

[No. L-20012/458/96-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT:

Shri B. Biswas,
Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 35 of 1998

PARTIES	: Employers in relation to the management of Tisco. Ltd. and their workman
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APPEARANCES:

On behalf of the workman	: Shri D. Mukherjee, Advocate
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On behalf of the employers	: Shri D.K. Verma, Advocate.
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State : Jharkhand	: Industry : Coal.
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Dated, Dhanbad, the 19th June, 2003

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/458/96-IR (C-1), dated, the 19th February, 1998.

SCHEDULE

"Whether the action of the management of West Bokaro Collries of M/s. Tisco, Ltd, P.O. Ghatotkach,

Dist. Hazaribagh in dismissing Shri Ram Pravesh, Ex-Sr. Dumper Operator from the services of the company w.e.f. 25-4-94 is justified ? If not, to what relief the workman is entitled?"

2. The case of the concerned workman according to the W.S. submitted by the sponsoring Union on his behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workman was a permanent Senior Dumper Operator at West Bokaro Colliery under the management. They alleged that the management issued a false chargesheet against the concerned workman with the charge of committing misconduct for assaulting and abusing Harbans Kumar and others on 2-3-94 leaving the place of his duty. The concerned workman denied the allegation brought against him in the chargesheet by giving his reply but as the management considered his reply in sufficient started departmental enquiry by appointing Enquiry Officer. They alleged that the Enquiry Officer holding an illegal enquiry submitted his biased report finding him guilty to the charges brought against him. They alleged that the anti labour management without appreciating the evidence adduced in the departmental enquiry and also the facts of the case passed the order of dismissal mechanically against the concerned workman in violation of the provisions of the certified standing orders with effect from 25-4-94. After passing the order of dismissal, the sponsoring Union submitted that the concerned workman submitted several representations with a prayer for withdrawal of the said arbitrary and illegal order but to no effect and for which they had to raise Industrial Dispute before the ALC(C) Hazaribagh for conciliation which ultimately resulted reference to this Tribunal for adjudication. The sponsoring union accordingly, submitted prayer to pass award directing the management to reinstate the concerned workman to his service with full back wages and other consequential relief setting aside the order of dismissal.

3. Management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in their W.S.

4. They submitted that the concerned workman was depicted as Senior Dumper Operator at the open cast mine on 2-3-94 during the first shift workings commenced from 5 A.M. and ending at 1 P.M. to operate bottom dumper for transport of raw coal from quarries to the crushing plant. They alleged that the concerned workman left the place of his duty at about 12 P.M. before the end of his first shift duty and went to Rajiv Nagar area where Sri Harbans Kumar, Senior Officer (Security) was discharging his duties in connection with prevention of unauthorised constructions, on the company's land. At that time the

concerned workman coming to the place along with others intervened Sri Harbans Kumar and other Security personnel in the matter of discharging their duties. They alleged that in course of that intervention the concerned workman assaulted Harbans Kumar and instigated his associates to throw brickbats on the security personnel. The concerned workman apart from assaulting Harbans Kumar also participated in throwing bricks bats along with his associates aiming the security personnel and for which said Harbans Kumar and S.P. Yadav sustained injuries to their persons. As the aforesaid acts of the concerned workman amounted to serious misconducts under the provisions of the Certified Standing Order of the company a charge sheet was issued to him to give his reply to the charges brought against him. The concerned workman they submitted gave his reply denying all the charges brought against him but as the reply was not sufficient enough management appointed Sri M.Das, Deputy Manager (Personnel) West Bokaro Colliery, as Enquiry Officer. Thereafter, the said enquiry officer held the enquiry proceedings against the concerned workman. They submitted that during hearing full opportunity was given to the concerned workman to defend his case. He also neither raised any objection in the manner and way the enquiry proceeding was conducted by the Enquiry Officer nor raised any objection against the Enquiry Officer. They disclosed that the said Departmental Enquiry was held by the Enquiry Officer, fairly, properly and in accordance with the principle of natural justice. They submitted that after enquiry the enquiry officer submitted his report holding the concerned workman guilty to the charges of misconduct brought against him. Thereafter the management examining the chargesheet, his reply, and all relevant papers including the enquiry report decided to impose the penalty of dismissal on him for commission of such serious misconduct under the provisions of the certified standing orders applicable to the establishment. Accordingly, the concerned workman was dismissed from his service with effect from 25-4-94. Management categorically denied the fact of committing any illegality or ignoring the principle of natural justice, indismissed the concerned workman from his service. Accordingly, management submitted their prayer to pass award rejecting the claim of the concerned workman.

5. The points to be decided in this reference are :—

"Whether the action of the management of West Bokaro Collieries of M/s. Tisco. Ltd., P.O.Ghatotkand, Dist. Hazaribagh in dismissing Shri Ram Pravesh Singh, Ex-Sr. Dumper Operator from the services of the company w.e.f. 25-4-94 is justified ? If not, to what relief the workman is entitled ?"

FINDING WITH REASONS

6. It transpires from the record that on the basis of the charge brought against the concerned workman for committing misconduct under clause 27(18) and 27(5) of the Certified Standing Orders of the Company an enquiry proceeding was initiated by the management and the enquiry officer after completing enquiry submitted his report holding the concerned workman guilty to the charges brought against him and as a result he was dismissed from his service by order of the management. The order of dismissal during hearing was marked as Ext. M/4. Before taking up hearing on merit hearing on preliminary point if the domestic enquiry held against the concerned workman by the Enquiry Officer was fair, proper and in accordance with the principles of natural justice was taken up for consideration. Vide Order No.23 dt.3-10-01 the said issue was disposed of in favour of the management. Accordingly at this juncture it is needless to discuss this issue further.

7. Here the point for consideration is if the management has been able to substantiate the charges which has been brought against the concerned workman and if so, is there any scope to invoke Section 11A of the I.D. Act in the matter of reconsideration of the punishment inflicted upon the concerned workman. The specific allegation of the management is that the concerned workman was deputed as Senior Dumper Operator at the Open Cast mine on 2-3-94 during the first shift of work commencing from 5 A.M. and ending at 1 P.M. to operate bottom dumper for transportation of raw coal from quarries to the crushing plant. They alleged that he left the place of his duty at about 12 P.M. before the expiry of the first shift duty and went to Rajnagar area where Sri Harbans Kumar, Senior Officer was engaged in discharging his duties in connection with prevention of unauthorised construction on company's land with the assistance of V. K. Rai, Suresh Singh and Began Ram, security personnel. It has been alleged by the management that Harbans Kumar on seeing such unauthorised construction when raised his protest the concerned workman along with his associates not only obstructed them but also assaulted him for which he sustained injuries to his person. After that incident injured Harbans went to local P.S. and lodged F.I.R. against the concerned workman and his associates. He was also medically treated for the injuries sustained by him as a result of that assault.

8. The contention of the management is that as the act committed by the concerned workman amounted to serious misconduct under clause 27(18) and 27(5) of the certified standing orders of the company a charge sheet was issued against the concerned workman. Management

submitted that as the reply to that chargesheet given by the concerned workman was unsatisfactory they started a departmental enquiry against him and he was found guilty to the charges brought against him in view of report submitted by the Enquiry Officer. Accordingly he was dismissed from his service. The concerned workman no doubt has denied all the charges brought against him. In his reply he categorically submitted that the complainant Harbans Kumar had made false allegation against him as he not only grew up druggers drawn relation with him but also threatened him of dire consequences. The charges which has been brought against the concerned workman is as follows :—

“On 2-3-94 you were in 1st shift duty (i.e. from 5 A.M. to 1 P.M.) and were deputed to operate Bottom Dumper for transport of raw coal from quarries to Primary crushing plant. It has been reported that you were not present/at your duty place and on your vehicle after 12.00 noon onwards. It has also been reported that on the same, day, at around 12.30 P.M. Shri Harbans Kumar, Sr. Officer (Security) along with a number of Security Personnel, namely Shri V. K. Rai, Sub-Inspector, Shri Suresh Singh, Sub-Inspector, Shri Bigan Ram, Havildar and Shri Hemraj Sharma, Driver had gone to demolish an unauthorised construction on Company's land at Rajiv Nagar area (i.e. on the left side of the road leading from washery I to Quarry B) At the same time you along with few others approached Shri Harbans Kumar and shouted at him using abusive language. You also threatened him with dire consequences in case the said unauthorised construction was demolished. On being asked not to behave in this manner you assaulted Shri Harbans Kumar with your hands. You also resorted to brick-batting, as a result of which Shri Harbans Kumar and Shri S. P. Yadav, sustained injuries on the face and other parts of the body.”

Considering the charge it transpires that the management have brought two fold allegations against the concerned workman viz (i) that he left the place of duty before the schedule hours of duty was completed and (ii) that he assaulted Harbans Kumar Senior Security Officer at Rajiv Nagar along with his associates when he tried to resist unauthorised construction on the land of the company. Considering the charge it transpires that the concerned workman after leaving the place of duty during duty hours he went to Rajiv Nagar and committed the mischief in question. Now let us consider how far the management have been able to substantiate the charge brought against

the concerned workman. Considering the enquiry proceedings Ext.M-1 series there is scope to say that the witnesses examined by the E.O. may be classified in two grounds. It is seen that while one part of the witnesses are the security personnel who were involved in the incident in question the other part of the witnesses were the workmen who were in first shift duty.

9. R. C. Pathak Dy. D. M. Security whose statement was recorded by the Enquiry Officer cannot be considered as eye witness to the incident in question. He made his statement relying on hearsay facts, Harbans Kumar, Senior Security Officer in course of his giving statement disclosed that on 2-3-94 he went to airstrip at about 10 A.M. along with other security personnel. He disclosed that after departure of the place when he was returning back in a vehicle along with other security personnel and reached at Rajiv Nagar area he found some people engaged in making unauthorised construction on company's land. On seeing the said incident he stopped his vehicle and rushed to the spot along with other security personnel and when tried to resist the intruders the concerned workman reached the spot along with other workman and started abusing him in filthy languages. When he raised his protest the said workman Ram Pravesh not only excited others but also started assaulting him by fists, blows and stone for which he sustained serious bleeding injury to his person. When the other Security Personnel came to his rescue they were also assaulted by the intruders. Driver H. Sharma informing the incident to control room took him immediately to the local police station. He disclosed that when he reached there he found Rakesh Kumar, Asstt. Manager, Security with F.I.R. Thereafter Police sent him to hospital for his treatment.

10. The other security personnel viz. Saraju Prasad Yadav, Bijan Ram, Hemraj Sharma (Driver) Suresh Singh, V. K. Rai whose statements were recorded by the E.O. in course of enquiry proceeding corroborated the facts relating to the incident in question narrated by Harbans Kumar. After careful consideration of the statements of these witnesses it transpires clearly that F.I.R. was not lodged by Harbans Kumar but it was lodged by Asstt. Manager Security Mr. Rakesh Kumar. It is further seen that the concerned workman and his associates i.e. other workmen reached the place of occurrence while the security personnel charged the intruders for their unauthorised construction on company's land. As such it is clear that the concerned workman was not a member of the intruders party. In course of hearing no mensrea has been exposed in the matter of assaulting Harbans Kumar. The peculiar thing which has been exposed is Asstt. Manager Security Mr. Rakesh Kumar

neither was an eye witness to the incident in question nor he wrote the F.I.R., after being heard the incident from the injured. It is seen that before arrival of the injured at local P.S. said Rakesh Kumar was found present there with the written F.I.R. Rakesh Kumar was not examined as witness by the E.O. and for which there was no scope to ascertain how he wrote the F.I.R. without hearing the incident from any of the Security personnel who were present on the spot. It is seen that in the midst of that incident Driver Hansraj Sharma sent wireless message to the control room. No evidence is forthcoming what message was sent there by him and who received the said message. Until and unless this fact is established there is little scope to accept the contention of sending message to the control room. Management also in course of hearing have failed to produce copy of F.I.R. lodged at the local P. S. against the concerned workman. Accordingly, there is no scope to judge its contents in relation to the statement given by the Security personnel. No injury report was also produced by the management in course of hearing to corroborate the facts relating to injuries sustained by Harbans Kumar. There is also no scope to hold in absence of the injury if the injured gave any statement to the M.O. at the time of his treatment. Now let us consider the statements of the workman viz. Ram Pravesh Singh i.e. the concerned workman. Md. Jalil, Suresh Ram and Sitaram Prasad recorded by the enquiry officer at the time of the enquiry proceedings of the concerned workman. Ram Pravesh Singh i.e. the concerned workman admitting the fact of his first shift duty as dumper operator submitted that at about 11.00 A.M. the hopper bunker got jammed B. D. 21 Driver Mr. Jalil was stranded at the hopper. As a result he also was stranded with his B.D. 26 and parked his dumper behind the dumper of Md. Jalil. He further submitted that both the dumpers were loaded with coal. He submitted that till the end of his shift duty he was in the cabin of his dumper but thereafter he got down from his dumper and left for his home along with others.

11. Md. Jalil driver of B.D. 21 during his giving statement corroborated the facts disclosed by him. However, he admitted that as the hopper got jammed and was not clear he left for home at about 12.35 P.M. parking his dumper at the top of the hopper. Suresh Ram also corroborated the fact disclosed by Md. Jalil. He further submitted that at about 12.35 P.M. when he left for his home along with Md. Jalil he found the concerned workman in the cabin of his dumper. Therefore, considering the statement of these witnesses it transpires that excepting the concerned workman the other workman left for home before their shifting duty was over. However, it is clear that they remained at the place of their duty till 12.25 P.M. It is also clear that the concerned workman did not accompany them when they left for home. It is the contention of the

injured that the concerned workman reached the spot along with Umesh Prasad, ward boy-cum-dresser, Central Hospital, Kamlesh Yadav, Dumper Operator Open Cast Mines. There was scope on the part of the E.O. to record the statements of Umesh Prasad and Kamlesh Yadav to ascertain actually what incident took place and what was the role of the concerned workman in the matter of assaulting the injured. Management in course of hearing have failed to give any satisfactory explanation in this regard. According to the statements of the Security personnel the incident took place at about 12.30 P.M. Rajiv Nagar is situated about 1 K.M. away from the place of duty of the concerned workman. If the statements of the workmen are taken into consideration that they left the place of duty at about 12.25 P.M., in that case there was no scope at all for the workman to reach Rajiv Nagar at 12.30 P.M. after collecting his other associates.

12. From the statement of Presadi Rana it transpires that due to jam of hopper the dumper which the concerned workman was operating on the relevant day got standed for a long period. This witness disclosed that at about 12.45 P.M. when he came back to P.C.P. he found the loaded B.D. 21 and B.D. 26 standing but did not find the operators, as they left for the homes. Accordingly, he prepared his report and left home. That report was not placed before the Tribunal in course of hearing. However, it is clear that the operators could not operate their dumper due to jam at the hopper and that jam continued for a long period. There is no eyewitness on the part of the management to say exactly at which time the concerned workman and other workmen had left the place of duty. If the statements of the workmen are taken into consideration it can be said that they left for duty after 12.30 P.M. i.e. about half an hour before the end of duty period. Management in course of hearing have failed to produce the copy of the F.I.R. which was lodged at local P. S. immediately after the incident to corroborate the incident in question. On the basis of that F.I.R. a criminal case was started against the concerned workman making him as an accd. It has been submitted by the concerned workman that he was acquitted from that case. Management have not denied this fact. Therefore it can be taken into consideration that the management failed to establish the charges brought against the concerned workman over the incident in question at the time of his trial.

13. It is seen that during pendency of the trial of the accd person i.e. the concerned workman he was dismissed from his service. The management did not consider necessary to stay hearing of the Enquiry proceeding during pendency of the said criminal case. It is seen that in the eye of the management the concerned workman was found guilty to the charges and he was dismissed from his service

while in the eye of the Court it transpires that the concerned workman was acquitted from the case as the prosecution have failed to establish the charge brought against him. There is no bar to initiate independent enquiry proceeding against delinquent workman by the management. In spite of the order of acquittal passed by the Court but the thing which is to be looked into is what speciality was in the departmental enquiry proceeding which invited dismissal of the workman. I have carefully considered the entire report of the enquiry proceeding but failed to find out any cogent evidence excepting the evidence of the security personnel which could go against the concerned workman. The evidence of the security personnel could not be considered as independent evidence particularly when from the statement of the concerned workman it transpires that Security Officer Harbans Kumar had a grudge over him and he threatened him of dire consequences. The management have failed to examine a single independent witness to corroborate the allegation in question. According to the evidence of the Security personnel the incident took place at about 12.30 P.M. From my discussion above it transpires that the workman left the place for duty after 12.30 P.M. and in natural course it was not at all practicable for the concerned workman to remain himself present at 12.30 P.M. or so.

14. Accordingly after careful consideration of all the facts and circumstances I hold that the management have failed to substantiate the charges brought against the concerned workman beyond reasonable doubt. Accordingly, order of dismissal passed against the concerned workman is liable to be set aside.

In the result, the following award is rendered :—

"The action of the management of West Bokaro Collieries of M/s. Tisco. Ltd., P.O. Ghatotkand Dist. Hazaribagh in dismissing Shri Ram Pravesh Singh, Ex-Sr. Dumper Operator from the services of the company w.e.f. 25-4-94 is not justified. Consequently, the concerned workman is entitled to reinstatement with 50% back wages and other consequential benefits from the date of his dismissal."

The management is directed to implement the award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 जूलाई, 2003

का. आ. 2113.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 230/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2003 को प्राप्त हआ था।

[सं. एल-20012/226/2001-आई.आर (सी-I)]
एस. एस. गुप्ता, अवकर सचिव

New Delhi, the 2nd July, 2003

S.O. 2113.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 230/2001) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 30-6-03

[No. L-20012/226/2001/R (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD**

PRESENT

Shri B Biswas

Presiding Officer

**In the matter of an Industrial Dispute under Section 10
(1) (d) of the I.D. Act, 1947**

Reference No. 230 of 2001

PARTIES: Employers in relation to the management of Barora Area No. I of M/s. B.C.C.L and their workman

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Shri H. Nath, Advocate

State : Jharkhand **Industry : Coal**

Dated Dhanbad the 10th June 2003

ORDER

The Govt. of India, Ministry of labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this

Tribunal for adjudication vide their Order No. L-20012/226/2001 (I.R.) C.I. Dated, the 19th September, 2001.

SCHEDULE

"Whether the demand of the union to provide compassionate employment to Sri Basant Kumar Nonia, dependent son of Smt. Mangari Mahatain, an employee of Damoda Colliery of M/s. BCCL under the provision of National Coal Wage Agreement is proper and justified? If so, to what relief is the concerned dependent entitled?"

2. In this reference neither the concerned workman nor his representative appeared. However, though the management side appeared through their learned Advocate, filed authority did not file W.S. It is seen from the record that the instant reference was received by this Tribunal on 28-9-2001 and since then it is pending for disposal. As the concerned workman failed to appear before this Tribunal, registered notices were issued to the workman side but inspite of the issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural Course the question will arise what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the court to dispose of the reference on merit. In view of the decision of the Hon'ble Apex Court reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed on merit but when the parties do not take any step or do not consider even to file W/S documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the workman inspite of issuance of registered notices. As per I.D Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding officer

नई दिल्ली, 3 जुलाई, 2003

का. आ. 2114.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 248 दिनांक 1-1-2003 द्वारा करेंसी नोट प्रेस, नासिक रोड जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 25 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-1-2003 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा.सं. एस-11017/2/96-आई.आर.(पी.एल.)]

जे.पी. पति, संयुक्त सचिव

New Delhi, the 3rd July, 2003

S.O. 2114.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O.No.248 dated 1.1.2003 the services in the Currency Note Press, Nashik Road which is covered by item 25 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 15th January, 2003.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 15th July, 2003:

[F. No. S-11017/3/91-IR(PL)]

J.P. PATI, Jt. Secy.

नई दिल्ली, 3 जुलाई, 2003

का. आ. 2115.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि भारतीय रिजर्व बैंक नोट मुद्रण लिमिटेड, मैसूर (कर्नाटक) एवं सालबोनी (पश्चिम बंगाल) में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 25 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा.सं. एस-11017/2/96-आई.आर.(पी.एल.)]

जे.पी. पति, संयुक्त सचिव

New Delhi, the 3rd July, 2003

S.O. 2115.—Whereas the Central Government is satisfied that the public interest required that the services in the Bharatiya Reserve Bank Note Mudran Limited at Mysore (Karnataka) and Salboni (West Bengal) which is covered by item 25 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[F. No. S-11017/2/96-IR(PL)]

J. P. PATI, Jt. Secy.

नई दिल्ली, 4 जुलाई, 2003

का. आ. 2116.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्दन रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कम-लेबर कोर्ट, लखनऊ के पंचाट (संदर्भ संख्या आई डी नं. 131/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-7-2003 को प्राप्त हुआ था।

[सं. एल-41012/180/98-आई.आर.(बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 4th July, 2003

S.O. 2116.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 131/2000) of

the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, received by the Central Government on 3-7-2003.

[F. No. L-41012/180/98-IR(B.1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT LUCKNOW

PRESENT

SHRIKANT SHUKLA
PRESIDING OFFICER

I.D. No. I31/2000 (Kanpur 144/99)
Ref. No. L-41012/180/98-IR(B-I) dated : 5.5.99

BETWEEN

Sudir Kumar, S/o Sh. Chander Kishore
Vill. Gunur Mo: Sarai, Opp. Bijali Ghar, Badayun

AND

The Divisional Railway Manager,
Northern Railway, Moradabad, (U.P.) 244001

AWARD

Bharat Sarkar Shram Mantralaya, Ministry of Labour, New Delhi vide their order No. L-41012/180/98-IR(B-I) dated: 5.5.99 has referred following reference for adjudication to this Tribunal:

"WHETHER THE ACTION OF THE MANAGEMENT OF NORTHERN RAILWAY, MORADABAD IN TERMINATING THE SERVICES OF SHRI SUDIR KUMAR, EX-SAFAI KARMCHARI W.E.F. 14.7.90 AND NOT REINSTATING HIS SERVICES IS LEGAL AND JUSTIFIED. IF NOT, TO WHAT RELIEF THE WORKMAN IS ENTITLED?"

Sudir Kumar has filed statement of claim alleging therein that he has rendered the services to the railway administration in following period as Safai Karmchari:

- | |
|---|
| 1. January, 1980 to 11.12.1985 = 175 days |
| 2. 22.6.90 to 15.7.90 = <u>22 days</u> |
| |
| |
| 197 days |

He has alleged that he has worked for 197 days on different places, which includes the casual service under Health Inspector, Hapur & Moradabad. Sudir Kumar has accordingly alleged that he is entitled to be absorbed permanently in railway as he has worked as casual worker.

According to the statement of claim the railway administration has appointed other casual Safai Karmcharis and they haven been regularised in the pay scale of Rs. 750-950, but Sudir Kumar has been denied. On repeated persuasions the opposite party informed Sudir Kumar that his name is not available on the Live Register. Thereafter, Sudir Kumar vide his application dated 20.3.97 informed the Senior Divisional Personnel Officer that he has worked from 1.1.80 to 11.12.85 as casual Safai Karmchari which finds place in entry however, it was not entered in Live Register. Accordingly, Sudir Kumar requested Senior Divisional Personnel Officer to enter his name in Live Register and provide service after verification. He also alleged that the opposite party, his Assistant Personnel Officer passed an order dated 7.5.97 pertaining list of 11 Safai Karmis in which the applicants name was at serial no. 9. Sudir Kumar repeatedly requested the opposite party for providing the job, ultimately the applicant was sent for medical test and he was declared fit and accordingly the certificate was issued. Applicant again requested the opposite party for providing job, but the opposite party did not appointed him. Applicant move application dated 14.7.97 and requested the opposite party for providing job but the opposite party did not do so and said that there is no job in his division. Accordingly, he cannot get any service. Opposite party again passed an order in September, 97 for appointment in the Department of Sanitation and directed to appear before Assistant Personnel Officer on 16 & 17 October, 97 and the applicant appeared as well. On 17.10.87, he was ordered to give his joining report in Lucknow division vide order dated 17.10.97. In compliance of the said order the applicant appeared before Sr. D.P.O., Lucknow on 21.10.97 and gave his joining but the applicant was denied. Ultimately on 14.7.98 the applicant himself met DRM, Moradabad and explained him the entire case and also informed that juniors to him were made permanent but he has been denied the job on which DRM finally refused that no service could be provided to him. The applicant, Sudir Kumar has therefore, requested that opposite party's action regarding keeping away the applicant from service be deemed as violation of rules and it be declared illegal and also prayed that he be reinstated with back wages.

2. The opposite party has filed written statement and has denied the allegations of Sudir Kumar and has stated that as per available records Sudir Kumar has actually worked for a period of 7 days, accordingly his name was placed at serial 89 in the Live Casual Labour Register. The workmen up to serial no. 45 of the said Live Casual Labour Register have been regularised. Rest of the Casual Labour could be regularised as and when the next substantive vacancies would fall vacant in accordance with their respective seniority. To verify the number of working days, as submitted by the respective casual labours, an Assistant Personnel Officer was nominated. The said Assistant Personnel Officer thoroughly verified the respective records

in respect of the number of working days as submitted by the respective casual labour. However, in respect of the claimant, from the records, it was found that he has actually worked for only 7 days. Accordingly, after making aforesaid enquiry, the said Assistant Personnel Officer submitted his report regarding verification of number of working days of the casual labours to the competent authority. The competent authority accepted the said report of enquiry submitted by the Assistant Personnel Officer in which against name of the claimant/workman, 7 days of verified working has been mentioned. But seven days working was under Sanitary/Health Inspector, Moradabad. From the other records, the allegations of the claimant having worked for 197 days was not found correct. It has also been pleaded by the opposite party that not only in the Ministry of Railways but in other departments also, modernisation scheme are being implemented and the cadre strength position of almost all the categories of employees, are being reviewed and are being declared surplus or such declared surplus staff are being re-deployed in other categories. In the Ministry of Railways also, particularly in the Northern Railway and in Moradabad division, a number of permanent class IV staff have been declared surplus on review of its cadre strength. The opposite party has also stated that list dated 5.5.97 containing the names of 11 casual labours in which the name of the claimant was at serial no. 9. Out of the aforesaid list of 11 casual labours, 8 were given appointment but the names of the casual labours at serial 9, 10 and 11 could not be considered for regularisation because of the records pertaining to their number of working days were not found to be correct. Thus, no appointment was given to the claimant and other two casual labours whose names were at serial no. 9 to 11. The opposite party has admitted that claimant has been sent to the Chief Medical Supdt., Moradabad for obtaining fitness certificate under C-1 medical category. Applicant was found fit in C-1 medical category. However since after verification, the number of working days of the claimant and others placed at serial no. 9 to 11 were not found correct, as such, no appointment was given to the claimant. The opposite party has also admitted that Northern Railway, Lucknow Division has sought options in respect of casual labours of Moradabad division. 20 casual labours have given their options for engagement by Lucknow division. Accordingly, a list of 20 casual labour was sent to Lucknow division for further action but same was returned back to Moradabad division by Lucknow division on the basis of certain objections raised in Lucknow division. Thus, Lucknow division has not given appointment to any of the casual labours sent of the said list of 20 casual labours. So far as the meeting of Sudir Kumar with DRM, Moradabad on 14.7.98, same has been denied by the opposite party. It has been stated by opposite party that there was no request for engagement/employment to any of the officers of Moradabad division on 14.7.98 and accordingly there was

no question of either terminating the services of the claimant with effect from 14.7.98 because as would be apparent from perusal of claim application itself, the claimant was not in employment of the opposite party upto 14.7.98 or long period prior to it. Since the claimant never met any official of Moradabad division on 14.7.98, as such there is no question of request of the claimant regarding his employment. It is stated that name of Ramesh s/o Ram Charan is placed at serial no. 18. Since he was senior to claimant hence he was given employment and as such seniority turn of the claimant for the employment has not reached, as such claimant cannot be given employment. It has therefore requested that claimant is not entitled to relief claimed.

3. The workman has filed following documents :

1. Photo copy of certificate of employment from 1.1.89 to 4.2.80, paper No. 6/3.
2. Photo copy of certificate of employment from 21.8.80 to 16.9.80, paper No. 6/4.
3. Photo copy of employment certificate from 1.11.84 to 9.11.84, paper No. 6/5.
4. Photo copy of identity card, paper No. 6/1.
5. Photo copy of letter of Baroda House dated 10.9.95, paper No. 6/7.
6. Photo copy of letter dated 11.3.97, paper No. 6/9.
7. Photo copy of letter of Sudir Kumar of March, 92, paper No. 6/10.
8. Photo copy of letter dated 2.8.97, paper No. 6/11.
9. Photo copy of letter September, 97 of office of DRM, Moradabad, paper No. 6/12.
10. Photo copy of Medical Certificate date not clear, paper No. 6/13, 6/14.
11. Photo copy of letter dated 17.10.97 of DRM, Moradabad, paper No. 6/15.
12. Photo copy of letter dated 25.2.93 of Shram Pravartan Adhikari (K), Bareilly, paper No. 6/16.
13. Photo copy of letter of Special Officer, Railway Minister, dated 26, September, 97, paper No. 6/17.
14. Photo copy of letter dated: 30.10.98 of Assistant Labour Commissioner (C), Dehradun, paper No 6/18, 6/19.
15. Carbon copy of letter of Sudir Kumar dated 1.7.99 paper No. 6/20.
16. Photo copy of Medical Certificate of the photo cop is paper No. 6/13.

17. Letter dated 27.7.95 of Shram Pravartan Adhikari (K), Bareilly, paper No. 7/2.
18. Certificate of employment from 1.1.80 to 4.2.80, paper No. 7/3.
19. Certificate of employment from 21.8.80 to 16.9.80, paper No. 7/4.
20. Employment certificate from 1.11.84 to 9.11.84, paper No. 7/5.
21. Letter of Shram Pravartan Adhikari (K), Bareilly, paper No. 7/6.
22. Carbon copy of letter of Assistant Labour Commissioner (C), Dehradun dated 30.10.99, paper No. 7/7.
23. Affidavit of Sudir Kumar, paper No. 8 alongwith the photo copy annexure 8/4 to 8/20.
24. Worker has filed Identity Card and Card of Casual Labour, paper No. 53 & 53/2.
4. The opposite party has filed following documents:
1. Photo copy of appointment order dated 5.6.97, paper No. 13/2.
 2. Photo copy of extract of casual labour Live Register, paper No. 13/3 to 13/4.
 3. Copy of letter dated 17.10.97, paper No. 13/5.
 4. Photo copy of letter dated 23.10.97, paper No. 13/6.
 5. Copy of extract of official noting on the concern file related to applicant, paper No. 13/8 to 13/11.
 6. Affidavit of Shri Om Prakash, Assistant Personnel Officer, Northern Railway, Moradabad, paper No. 14.
 7. Casual Labour Live Register, paper No. 50/2.
 8. Casual Labour Register, Swasthya Nirikshak, Hapur, paper No. 50/3.
5. Worker started absenting from 7.4.2003. Various dates were fixed for argument, but worker did not turn up. Ultimately, on 16.6.2003 the case proceeded ex-parte against the workman and 17.6.2003 was fixed for argument and on 17.6.2003 the worker remained absent and therefore, opposite party's representative Shri Anil Srivastava was heard.
6. According to claim petition, worker alleged that he worked under railway administration as caspal Safaiwala from January, 1980 to December, 1985 and from 22.6.90 to 15.7.90 totalling to 197 days.
7. He has not disclosed the date of January, 1980 since when he was employed.
8. The worker alleged that he worked at different places including working under Health Inspector, Hapur and Moradabad. The worker has not clearly mentioned what are different places wherein he worked. He has also not specifically pleaded as to how many days as to which date to which date he worked under Health Inspector, Hapur and Moradabad. Therefore, these pleadings are ambiguous.
9. The issue referred to this court is "Whether the action of the management of Northern Railway, Moradabad in terminating the services of Shri Sudir Kumar, Ex-Safai Karmchari w.e.f. 14.7.98 and not reinstating his services is legal and justified?"
10. The worker has not alleged that he was working immediately prior to 14.7.98 and he was terminated on 14.7.98. Since the worker was not terminated as the issue is referred therefore, there is no question of holding the termination as legal or illegal, justified or unjustified.
11. On the one hand the worker has alleged that he worked for 197 days during period January, 1980 to 11.12.85 and from 22.6.90 to 15.7.90. The allegation of the worker has not been admitted by the opposite party.
12. The opposite party has filed affidavit of Shri Om Prakash, Assistant Personnel Officer, Northern Railway, Moradabad, paper No. 14, has categorically stated that alleged certificate, Annexure-I filed by worker Sudir Kumar along with the affidavit is forged and has alleged that it is a forged and fabricated document as no such certificate was ever issued by any authority including the Health Inspector or Chief Health Inspector nor same has ever been verified by Divisional Medical Officer, Northern Railway, Hapur. Similarly photo copy of Annexure-II and VIII have also been denied. The Assistant Personnel Officer has specifically stated in affidavit that worker actually worked for 7 days alone at Hapur. Assistant Personnel Officer, Shri Om Prakash was cross-examined by learned Authorised Representative of the worker and the Assistant Personnel Officer has stated on oath that Sudir Kumar has worked from 1.11.84 to 9.11.84 and during 20.11.85 to 26.11.85 for 6 days. Although the worker has alleged that the worker has worked from 22.6.90 to 15.7.90 totalling 22 days, but Assistant Personnel Officer denied the fact that Sudir Kumar worked from 22.6.90 to 15.7.90. In further cross-examination Assistant Personnel Officer has stated that according to available records the worker worked under Health Inspector, Hapur. He also certified that the medical department has verified only 7 days of working in respect of the worker.
13. The Casual Labour Day Register, paper No. 50/3 is before me in which following entries are there in respect of Sudir Kumar :

1. During period 8-6-84 to 1-7-84, 14 days.
2. 1-7-84 to 30-7-84, 28 days are mentioned but there is no thumb impression of Sudir Kumar.

There is no mention of any other entry in respect of Sudir Kumar. Although the register pertains to the employment upto 1988.

14. From the records aforesaid it is not made out that Sudir Kumar at all worked during the year 1985. In another register of Casual Labour of Hapur, paper No. 50/2 there is no mention of name of Sudir Kumar.

15. The annexure-I, paper No. 6/2, annexure-II, paper No. 6/4 and annexure-III, paper No. 6/5, annexure-IV, paper No. 6/6 are certificates and identity card of the alleged worker. They are photocopy. Annexure-I to III and certificates have not been admitted by the opposite party. The opposite party has mentioned that paper No. 6/5 and 6/6 are absolutely forged and paper No. 6/3 and 6/4 are denied on the ground that it does not relate to Northern Railway.

16. Documents as such are not trust worthy and cannot be believed unless corroborated by the independent witness.

17. Learned counsel for opposite party has argued that certificates have been prepared by the workman with a view to obtain service with the malafied intention.

18. Assistant Personnel Officer of the Northern Railway, Moradabad has categorically stated in para 4 of the affidavit that certificates are forged as no certificate was ever issued by Health Inspector or Chief Health Inspector nor same was verified by Divisional Medical Officer, Northern Railway, Hapur.

19. Assistant Personnel Officer has stated in para 5 of affidavit that on receiving application of Sudir Kumar, his number of working days were again verified and it was found that he has actually worked for a period of 7 days, accordingly his name was placed at serial No. 89 amongst the list of 95 workmen in the Live Casual Register. In para 6 of affidavit the opposite party has stated that on checking the number of working days of some of the employees, it was found that they have given fake number of working days and accordingly, an Assistant Personnel Officer was nominated to verify the number of working days including that of the applicant. The said Assistant Personnel Officer thoroughly verified the respective records in respect of number of working days as submitted by the respective casual labours including the applicant. However, in case of the applicant from the records, it was found that applicant has actually worked only for 7 days in Northern Railway under Moradabad division. Accordingly, after making aforesaid enquiry, the said Assistant Personnel Officer,

submitted his report regarding verification of number of working days of the casual labours to the competent authority. The competent authority accepted the said report of enquiry submitted the Assistant Personnel Officer in which against the name of the applicant/workman, 7 days of verified working has been mentioned. Shri Om Prakash stated that as per records, the claimant was found to have worked for 7 days at Hapur/Moradabad. From the records, allegations of the claimant that he has worked for a total of 197 days was not found correct. On the basis of his number of working days, the name of the claimant has been placed in the Live Casual Labour Register at serial No. 89.

20. On the basis of the evidence above I come to the conclusion that it is difficult to hold that worker, Sudir Kumar actually worked for the period alleged.

21. The pleading of worker are not clear and specific. Since there is no question of termination there is no question of reinstatement as well.

22. The opposite party does not say that they do not want to re-employ the worker, Sudir Kumar afresh. His case is since the worker has put up only 7 days of working and according to Live Casual Register his name is placed at serial No. 89 and as and when his serial comes he shall be offered a job. It has been argued that currently, the Ministry of Railways have been implementing modernisation scheme under which the cadre strength position of almost all the categories of employees are being reviewed and are being declared surplus and such declared surplus staff are being redeployed in other categories. As such, vacancies if any, falls vacant, they are being filled up by redeployment of aforesaid services of staff of other categories. It has also been argued by the learned counsel of the opposite party that the Hon'ble Supreme Court of India has also held in CATENA of judgements that no Courts/Tribunals should direct for appointment any person unless there exists a permanent vacancy. It has also been argued that Ministry of Railways, particularly in Northern Railway and in Moradabad division, a number of permanent class IV staff have been declared surplus on review of its cadre strength.

23. Learned counsel for opposite party has argued that the opposite party prepared a list containing names of 11 casual labours in which the name of the claimant was at serial No. 9. Out of the aforesaid list of 11 casual labours, only 8 were given appointment and the names of the casual labours at serial 9 to 11 could not be considered for regularisation because of the records submitted by them in respect of their number of working days were found to be incorrect. It has also been stated that in pursuance of aforesaid list dated 5-5-97, applicant was also subjected to medical examination who was found fit in C-I category but since in the meanwhile, his number of working days after

verification being found incorrect, as such, no appointment was offered to him.

24. Opposite party has argued that the DRM, Moradabad sent the names of 20 casual labours on the demand of Lucknow division for further action but same was returned back to Moradabad division by Lucknow division on the basis of certain objections. Accordingly, Lucknow division did not give any appointment to any casual labours of Moradabad division whose names were sent to Lucknow division.

25. Assistant Personnel Officer Shri Om Prakash has denied that the applicant ever met DRM, Moradabad as alleged by him. The fact to this is contained in para 15 of affidavit. There is no question on cross-examination on this fact therefore, it is clear that Sudir Kumar did not meet DRM, Moradabad on 14-7-98.

26. On the discussions above I come to the conclusion that there is no question of reinstatement of the worker. Though the issue is referred for adjudication.

27. The issue is accordingly disposed off. On the basis of discussion above it concludes that the worker is not entitled to any relief as prayed.

Lucknow

18-6-2003 SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2003

का. आ. 2117.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कम-लेबर कोर्ट, लखनऊ के पंचाट (संदर्भ संख्या आई डी नं. 3/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-7-2003 को प्राप्त हुआ था।

[सं. एल-12012/150/2002-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 4th July, 2003

S.O. 2117.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 3/2003) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 03-07-2003.

[No. L-12012/150/2002-IR(B.I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

Shrikant Shukla
Presiding Officer

I.D. NO. 3/2003

Ref. No. L-12012/150/2002-IR(B-I) dated 10-10-2002

BETWEEN:

Shri Om Prakash S/o Shri Chaman Singh R/o
Chattarpur,
Nangla Post Chetwapur, Distt. Bijnore

AND

The Branch Manager,
State Bank of India,
Bijnore
The Zonal Manager,
State Bank of India,
148, Civil Lines,
Bareilly

AWARD

Bharat Sarkar Shram Mantralaya Ministry of Labour, New Delhi vide their order no. L-12012/150/2002-(IR(B-I) dated 10-10-2002 has referred following schedule for adjudication to this Tribunal;

“Whether the action of State Bank of India in Terminating the services of Shri Om Parkash S/o Sri Chaman Singh w.e.f. 30-6-2000 is justified? If not, what relief the workman is entitled?”

Notices to the parties including the workman Sri Om Prakash S/o Sri Chaman Singh were issued by the Government of India while passing the order of reference. It was directed in the orders of the government that the statement of claim complete with relevant documents, list of reliance and witnesses be filed in Tribunal within fifteen days. But the worker did not file any statement of claim. On 6-1-2003 the court ordered the notice be again sent to the parties. Fixing 25-4-2003 for filing statement of claim.

On 25-4-2003 Sri Alok Jain, Chief Manager, State Bank of India, Bijnore appeared and on the same date and the letter A2-6 of Asstt. General Manager, State Bank of India, Regional Zonal Office Civil Lines, Bareilly filed two authority letter paper no. A2-6 and A2-7. Worker turned up late and moved an application D-9 and requested date for filing authority letter and statement of claim. Worker was informed that 23-5-2003 was date fixed for filing of statement

of claim, but on 23-5-2003 the worker did not file the statement of claim instead moved an application paper No. D-10 seeking two months time for getting reference of government amended. The case was taken on 6-6-2003 and the worker was directed to file statement of claim within 3 days but he did not file claim of statement and instead moved an application D-12. The worker requested five days period for filing statement of claim, which was allowed at the cost of Rs. 100/- and the worker was directed to file statement of claim within 15 days. Though 15 days time has been expired but the worker has not filed any statement of claim. Since the worker has not filed statement of claim there is no question for filing of written statement on behalf of the opposite party.

The issue referred for adjudication is whether the action of State Bank of India in terminating the services of Shri Omprakash S/o Sri Chaman Singh w.e.f. 30-6-2000 is justified.

The worker himself has stated in jp-1Xhis applicatio D-10 that the date of termination as mentioned in the reference order is erroneous.

The worker himself has not claimed that he is regular employee of the State Bank of India and his services were illegally terminated on 30-6-2000, therefore, the reference is returned as NO CLAIM AWARD.

Lucknow

25-6-2003 SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2003

का० आ० 2118.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ इण्डियन बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में लेबर कोर्ट, कोलाम के पंचाट [संदर्भ संख्या आई डी नं. 1/2002 (सी)] को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-7-2003 को प्राप्त हुआ था।

[सं. एल-12012/132/2002-आई.आर.(बी-I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 4th July, 2003

S.O. 2118.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award [I.D. No. 1/2002 (c)] of the Labour Court, Kollam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Indian Bank Ltd., and their workman, which was received by the Central Government on 3-7-2003.

[No. L-12012/132/2002-IR(B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

IN THE LABOUR COURT, KOLLAM

PRESENT :

SRI. K. SASIDHARAN NAIR,
Presiding Officer

Friday the 7th day of March 2003/16th Phalgun 1924

INDUSTRIAL DISPUTE No. 1/2002(C)

BETWEEN:—

The General Manager,
South Indian Bank Ltd, Head Office,
Thrissur
...Management

AND

Smt. Latha,
Puthvelpattanam Veedu,
Puthenkada, Parashala P.O.
Trivandrum ...Worker

REPRESENTATION:

S/Sri Celine Wilfred (Roll No. K/81/1965)
Sandeep T. George,
Harikumar. V.K.
M.S. Preetha Rani and
Bindu. K. V. ...For the worker

AWARD

This is an Industrial Dispute referred by the Government of India, vide No. L. 12012/132/2002-IR(B-I) dated 18-7-2002, under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, for adjudication of the dispute between the management of the South Indian Bank Ltd, Head Office, Thrissur and its worker Smt. Latha, Part Time Sweeper.

2. The issue referred for adjudication is as follows:

“Whether the action of the management of the South Indian Bank Ltd, Parasala Branch, Thrissur in dismissing Smt. S. Latha, Part Time Sweeper from services with effect from 8-6-2001 is justifiable? If not, what relief the applicant is entitled?”

3. In Pursuance of the summons, the worker appeared and filed claim statement. But the management remained absent despite service of summons. As the management did not appear and there was no representation for them, they were set ex parte.

4. The worker has stated in the claim statement that while she was working as part time sweeper of the

management she was dismissed from service without framing a proper charge sheet and conducting a proper enquiry and so she prays for her reinstatement in service with backwages and attended benefits.

5. The worker has been examined as WW1. She has deposed that while she was working as part time sweeper in the Parasala Branch of the Management Bank, she was suspended from service on 2-2-1999 and without giving a proper chargesheet, an enquiry was conducted which was invalid and later she was dismissed from service illegally with effect from the date of suspension. From the unchallenged testimony of WW1 it is found that the dismissal of the worker from service is illegal. The burden to prove that a proper enquiry was conducted is upon the management. But no evidence is adduced by the management and they remain ex parte. Therefore, I find that the dismissal order is liable to be set aside and the worker is entitled to be reinstated in service with full backwages and continuity of service.

Hence an award is passed setting aside the dismissal order passed by the management against the worker and the management is directed to reinstate the worker with full backwages for the period in which she was kept out of service and also other attendant benefits and with continuity of service.

Dated this the 7th day of March 2003.

K. SASIDHARAN NAIR, Presiding Officer

APPENDIX

Witness examined on the side of the worker

WW1. Latha.

नई दिल्ली, 4 जुलाई, 2003

का० आ० 2119.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जयपुर नागौर आंचलिक ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कम-लेबर कोर्ट, जयपुर के पंचाट (संदर्भ संख्या केस नं. सीजीआईटी-40/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2003 को प्राप्त हुआ था।

[सं. एल-12012/116/2001-आई.आर.(बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th July, 2003

S.O. 2119.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case. No. CGIT-40/2001) of the Central Government Industrial

Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jaipur Nagaur Anchalik Gramin Bank, and their workman, which was received by the Central Government on 4-7-2003.

[No. L-12012/116/2001-IR(B.II)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-40/2001

Reference No. L-12012/116/2001-IR(B-I)

Ishwar Lal Sharma,
S/o Shri Ramji Lal,
R/o Kundal, Thana-kelva,
Dist. Dausa. Applicant.

Versus

The Chairman,
Jaipur Nagaur Anchalik Gramin Bank,
56, Sardar Patel Marg, C-Scheme,
Jaipur-302001 Non-applicant

Present:

Presiding Officer:	Sh. R. C. SHARMA
For the applicant:	Sh. R. C. Jain.
For the non-applicant:	Sh. Ashok Mehta.
Date of award:	28-4-2003

AWARD

1. The Central Government in exercise of the powers conferred under clause D of Sub-section 1&2(A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) has referred the following industrial dispute for adjudication to this Tribunal which runs as under:—

“Whether the action of management of Jaipur Nagaur Anchalik Gramin Bank, Jaipur in terminating the services of workman Shri Ishwar Lal Sharma S/o Shri Ramji Lal w.e.f. 29-10-1998 was justified? If not, what relief the workman is entitled ?”

2. In furtherance of the reference, the workman in his statement of claim has averred that he was appointed by the non-applicant establishment as part-time messenger w.e.f. 25-3-1985, whose service was subsequently regularized in the month of December, 1990 on the said post. He has stated that on 20-2-1998, he was served with a chargesheet, the reply thereof was filed by him but considering it to be unsatisfactory, the departmental

proceedings were initiated against him. While assailing the enquiry report, he has alleged that his service was terminated by the order dated 29-10-98, that he challenged the dismissal order before the appellate authority, but that was also dismissed by the order dated 29-5-99 in the improper manner. He has further averred that the charge levelled against him has not been proved by the reliable evidence, the relevant witness could not be produced by the department and that no witness in his evidence has uttered that he had cheated the management. According to his averment, on the basis of the same facts a criminal case was launched against him wherein he has been acquitted by the Chief Judicial Magistrate, Dausa. Hence, he has prayed to declare the dismissal order dated 29-10-98 as unjust and improper and to reinstate him in the service with back wages and other consequential benefits.

3. Contesting the claim, the non-applicant has averred that it has been proved on the basis of the evidence adduced during the enquiry proceedings that the workman had produced the forged transfer certificate (for short, TC) before the management and the school by which it has been stated to be issued, did not exist in reality. It has also been averred that the judgment passed in the criminal case does not necessarily apply on the departmental proceeding and both are the different proceedings. The punishment awarded to the workman is also stated to be proportionate looking to the nature of charge proved against him.

4. By the order dated 3-9-2002, after hearing both the parties on the preliminary issue of the fairness of the enquiry, it has been held by this Tribunal that the enquiry conducted against the delinquent-workman is fair and is in consonance with the principles of natural justice.

5. I have heard both the learned representatives on the merits of the dispute and have gone through the record.

6. The brief facts of the dispute may be summed up here that a charge was levelled against the workman that in order to procure appointment on the permanent post of the messenger, he has produced the TC Annexure 3 as a proof of his educational qualification issued by the "Rajkiya Uccha Prathmik Vidyalaya, Bhankini Maud, Dausa" which after verification of the facts, was found to be forged.

7. In the departmental enquiry the department examined as many as three witnesses. MW-1, Sh. Satyavir Singh is the Branch Manager, Kundal who has stated that since 9-4-85 to 7-4-88, he worked as the Branch Manager in Kundal and during his tenure he received a letter Ex. M-4 from the Department of Personnel wherein a direction to make an enquiry as to the genuineness of the TC submitted by the delinquent was given. He thereafter addressed a letter Ex. M-5 to the principal office in compliance of the letter Ex. M-4.

8. The letter Ex. M-4 has been transmitted by the Department of Personnel to the Branch Manager, Kundal with the facts that the delinquent in support of his educational qualification that he has passed 8th class, had filed a TC from which it is not clear as to which school has issued it and the full address of the school is not clear. Accordingly, this information was sought by the Department of Personnel from the Branch Manager, Kundal. By the letter Ex. M-5, the Branch Manager, Kundal, Sh. Satyavir Singh intimated the Department of Personnel that the TC submitted by the delinquent appears to have been issued by the "Rajkiya Uccha Prathmik Vidyalaya, Bhankini Maud, Dausa".

9. In the cross-examination, in reply to a question put up by the delinquent, the witness has replied that along with the proforma application Ex. M-II/3, a TC was submitted by the delinquent at the time of the interview conducted by the management. In reply to another question put up by the delinquent, he has clarified the basis of his belief that delinquent has filed an application Ex. M-2/2 for the appointment to the part-time messenger and the information with regard to the appointment on the said post was submitted by him in the proforma application Ex. M-II/3 which are common and tally with the TC dated 7-7-84 issued by the "Rajkiya Uccha Prathmik Vidyalaya, Bhankini Maud, Dausa".

10. Ex. M-2/2 is an application written by the delinquent-workman and addressed to the Manager, Jaipur Nagaur Aanchalik Gramin Bank, Kundal branch whereby he applied for the post of the daily wager employee, which contains his date of birth as 17-2-67. Ex. M-II/3 is a proforma application required to be submitted by the applicant at the time of holding the interview for the same post. Likewise, Ex. M-2/2, in the proforma application Ex. M-II/3 the workman has disclosed his educational qualification as 8th passed and his date of birth as 17-2-67. It is counter-signed by the delinquent-workman.

11. MW-2 is Sh. GB Bhargava, Branch Manager, Dausa who has stated that in the capacity of the Branch Manager, Dausa he received a letter Ex. M-8 from the Department of Personnel and thereafter, he had written a letter Ex. M-9.

12. Ex. M-8 is a letter issued by the Department of Personnel to the Branch Manager, Dausa to make an enquiry into the fact as to whether the TC dated 7-7-84 (Ex. M-II/3) was issued by the "Rajkiya Uccha Prathmik Vidyalaya, Bhankini Maud, Dausa". Thereafter conducting the enquiry into the matter the letter Ex. M-9 was addressed by the Branch Manager, Dausa Sh. GB Bhargava to the principal office that he personally made an enquiry into this fact and has found that no such school at Bhankini Maud is established. The letter concludes that no question

arises of the existence of the Rajkiya Uccha Prathmik Vidyalaya, Bhankini Maud at Dausa.

13. The workman was afforded an opportunity to cross-examine this witness, but he did not put any question to him. In reply to the questions made by the Enquiry Officer, this witness has further clarified that this fact of existence of said school was enquired into by him from the villagers and sarpanch and that another school having a different name only existed in the village Bhankinri Maud.

14. MW-3 Sh. Vijay is a formal witness.

15. The stand adopted by the delinquent during the course of enquiry was that his date of birth was mentioned in the TC as 10-4-68, which was issued by the Government school, Bhawata Bhawati, and that it was mistakenly mentioned by the Headmaster and for correcting it, he had produced his affidavit along with affidavit of his mother. It is not disputed that Ex. D-2 is the TC containing the date of birth of delinquent as 10-4-68.

16. Now, the question arises whether the charge levelled against the workman stands proved on the basis of the evidence adduced by the management during the course of the enquiry.

17. It is not disputed that there are two transfer certificates on the record. One is Ex. M-8/2 which indicates the date of birth of the delinquent as 17-2-67 and his education qualification as 8th passed and is stated to have been issued on 7-7-84. Another is Ex. D-2 filed on behalf of the delinquent during the course of the enquiry wherein his date of birth is described as 10-4-68. The dispute is confined only to this point as to whether the TC Ex. M-8/2 was filed by the delinquent before the concerned authority or not?

18. Assailing the enquiry, the learned representative for the workman submits that it is categorically denied by the workman that he had submitted the TC dated 7-7-84 (Ex. M-8/2) before the concerned authority, that no evidence could be produced by the department which could prove that it was the workman who produced the same before the bank authorities, that no such authority has been examined on behalf of the management who could state that the delinquent had submitted the TC Ex. M-8/2 before him and, therefore, the charge is not proved on this point. He relies upon 2002 III LLJ SC 848. The another submission advanced by the learned representative is that there is no nexus with the charge and the evidence produced on behalf of the management, that the fact that as to who had made an enquiry about the existence of the said school has not been proved as also that no evidence has been adduced in this regard. According to his contention, on both these points there is no evidence available on record. His next contention is that the finding of the Enquiry Officer is vague

and he has shifted the burden of proving the charge on the delinquent himself and that no such TC was annexed along with the application submitted by the workman before the concerned authority for his appointment. He further contends that by the judgment dated 10-3-2000, the CJM, Dausa has acquitted the accused person who was tried for the offences based on the same facts. According to his contention, the finding of a criminal court is binding upon the departmental enquiry and on this point, he has placed his reliance upon 1993 1 WLC 253: 2002 (3) RLR 639 & 1999 (82) FLR SC 627.

19. Per contra, the learned representative on behalf of the management has argued that when the workman filed his TC Ex. D-2, this fact came into the notice of the management that he has filed a forged TC Ex. M-8/2 earlier for the consideration of his appointment on the said post and the normal human conduct is that why the another person would file a certificate for the benefit of the delinquent. Therefore, it can be presumed that it is he who had filed the TC Ex. M-8/2 before the concerned authority. His contention is that the TC Ex. M-8/2 was false and fabricated which he had filed in order to gain the employment. His next contention is that the findings of a Court in the criminal proceeding are not binding upon the departmental proceedings and he has relied upon 2001 WLC (Raj.) UC 154: JT 1992 (5) SC 511 & JT (Suppl. 1) SC 520.

20. I have given my thoughtful consideration to the rival contentions and have carefully perused the judicial pronouncements referred to before me.

21. The crucial point which crops up in the matter is as to whether the TC Ex. M-8/2 was filed by the delinquent before the concerned authority?

22. TC Ex. M-8/2 is dated 7-7-84 having the particular of the delinquent of his date of birth as 17-2-67 and his educational qualification as 8th passed. These facts have already been narrated above. In the earlier narration, it has also been mentioned that MW-1 Sh. Satyavir Singh, the then Branch Manager at Kundal, has stated that along with the application for Ex. M-2/2 and the proforma application M-11/3, the TC dated 7-7-84 was filed by the delinquent. A reason for filing the TC dated 7-7-84 by the delinquent himself which he has pointed out is that the particulars given in the application Ex. M-2/2 which is written by the delinquent himself and the proforma application Ex. M-11/3 which is counter-signed by the delinquent are identical with the particulars of the TC dated 7-7-84. This fact also remains undisputed that after filing the application Ex. M-2/2 and the proforma application Ex. M-11/3, the workman got his initial appointment to the post of the part-time messenger. Thus, the testimony of MW-1, Sh. Satyavir Singh appears to be trustworthy, who could not be unshaken on this point.

23. The next pertinent point which arises for consideration is as to who had made an enquiry into the fact of the existence of the "Rajkiya Uccha Prathmik Vidyalaya, Bhankini Maud, Dausa". It has been argued with force on behalf of the workman that no such witness could be produced by the department who could state that he had made an enquiry into this fact. But this contention is not fortified on the basis of the enquiry record. MW-2 Sh. G. B. Bhargava has clearly stated that he had received a letter from the Department of Personnel Ex. M-8 to make an enquiry to this fact as to the existence of said school and he had himself conducted the enquiry and found that no such school existed. In his cross-examination, he has further disclosed that he enquired into the existence of the school from the villagers and the sarpanch. He too could not be shaken on this point and there is no reason to disbelieve his testimony.

24. On the basis of the evidence adduced by the management, both these points are to be answered in favour of the management that it was the delinquent himself who in order to gain the employment has filed the T.C. dated 7-7-84 before the bank authorities along with application Ex. M-2/2 and proforma application Ex. M-11/3 and that on an enquiry made into the fact of the existence of "Rajkiya Uccha Prathmik Vidyalaya, Bhankini Maud, Dausa", no such school was found to be in existence. Thus, the conclusion arrived at by the Enquiry Officer in his enquiry report cannot be said improper on this point.

25. The Id. representative for the workman has referred to 1982 Lab IC Andhra Pradesh 1745, the facts thereof are that in the case, the doctor was the only appropriate person who could speak about the circumstances in which the certificate was given by him and the subsequent withdrawal of the same, who could not be produced by the management and it was held by the Hon'ble Court that the failure to examine the vital and material witness torpedoed the entire proceeding.

26. But in the present case, under the circumstances depicted above and on the basis of the testimony of MW-1 Sh. Satyavir Singh it has been proved that it was the delinquent who had filed the TC dated 7-7-84, which is alleged to be a forged one, before the concerned authority in order to gain the employment and MW-2 Sh. G. B. Bhargava has proved this fact that he has made an enquiry into the existence of the said school which issued this TC, but he found no such school in existence there. Hence, the contention advanced by the Id. representative does not find any assistance from the referred decision.

27. Now the question of applicability of the findings given by the criminal court over the departmental proceedings is to be considered.

28. By the judgment dated 10-3-2000, the Id. CJM, Dausa has acquitted the delinquent accused of the offences punishable under Sections 467 and 471 IPC. It is not disputed that the set of facts involved in the departmental proceedings and in the criminal case are identical. The only key point is as to whether the findings of the criminal court on the same set of facts are binding upon the departmental proceeding.

29. The Id. representative for the workman in support of his contention has referred to the following judicial decisions, the facts thereof are exhibited in short as under :—

30. 1993 (1) WLC 253 : The relevant observation made by the Hon'ble court in this context is reproduced here for the sake of convenience :—

"There is yet another reason why the finding recorded by a court should be treated as final. It is one of the basic principles of jurisprudence that administrative authorities cannot sit in judgments over the verdict of court of competent jurisdiction. The executive authorities cannot act as appellate authorities over the findings recorded by the Court. Any such attempt will be total subversion of the system of administration justice. Therefore, here an employee has been acquitted of an offence by a court of competent jurisdiction after a regular trial and such acquittal is on merits, whether by giving benefit of doubt or otherwise, it is not permissible for the disciplinary authority to record a finding of guilt and punish the employee on the basis of the criminal charge. In some of the decided cases distinction has been sought to be made between the cases where the acquittal is honourable and cases where the benefit of doubt has been given to the accused."

31. 1999 (82) FLR SC 627 : The facts of this referred case are that on the same set of facts the departmental proceedings were initiated against the appellant-delinquent and the criminal case was also launched based on the identical set of facts. The same witnesses were examined in the criminal case and the court on the consideration of the entire evidence came to the conclusion that no search was conducted nor was any recovery made from the residence of the delinquent and the appellant was acquitted. The Hon'ble Court has held that where the appellant is acquitted by the judicial pronouncement, it would be unjust, unfair and rather oppressive to allow the findings recorded by the *ex parte* departmental proceedings to stand.

32. 2002 (3) RLR 639 : In this case the Hon'ble High Court has followed the principle as laid down in Cpt. M. Paul Antony & Bharat Gold Mines Ltd. and another case reported in 1999 (2) FLR SC 627 as cited supra.

33. On the basis of these judicial pronouncements, the Id. representative for the workman has argued that when

a Court has rendered the judgement of acquittal in the criminal case launched on the same set of facts, then the findings in the enquiry against the delinquent officer cannot be upheld.

34. As against it, the learned representative on behalf of the management has cited the following judicial verdicts in support of his contention that the findings of a Court in the criminal case are not binding upon the proceedings of the departmental enquiry.

35. 2001 WLC (Raj.) UC 154 : The relevant portions are quoted as below :—

"Merely because in criminal case a final report has been submitted by the investigating agency, petitioner cannot take any benefit thereof."

In Nelson Motis Vs. Union of India & Anr. AIR 1992 SC 1981, the Supreme Court has categorically held as under :

"The nature and scope of a criminal case are very different from those of a departmental disciplinary proceeding and an order of acquittal, therefore, cannot conclude the departmental proceeding."

In State of Karnataka & Anr. Vs. T. Venkataramappa, (1995) 6 SCC 455, the Apex Court held that acquittal in a criminal case cannot be held to be a bar to hold departmental enquiry for the same offence for the reason that in a criminal trial, standard of proof is different and the case is to be proved beyond reasonable doubt but the same is not true in a departmental proceeding as such a strict proof of misconduct is not required therein.

Similarly, in Senior Superintendent of Post Offices Vs. A. Gopalan, (1997) 11 SCC 239, the Supreme Court held that "in a criminal case the charge has to be proved by standard of proof beyond reasonable doubt while in departmental proceeding, the standard of proof for proving the charge is preponderance of probabilities."

Thus, there can be no doubt regarding the settled legal proposition that as the standard of proof in both is quite different and the termination is not based on conviction of an employee in a criminal case, the acquittal of the employee in criminal case cannot be the basis of taking away the effect of departmental proceedings."

36. JT 1992 (5) SC 511 : In this decision, the Hon'ble court has observed at para 5 of the judgement that "whether the disciplinary proceeding could have been continued in the face of the acquittal of the appellant in the criminal case, the plea has no substance whatsoever and does not merit a detailed consideration. The nature and scope of a criminal case are very different from those of a departmental disciplinary proceeding and an order of acquittal,

therefore, cannot conclude the departmental proceeding."

37. JT 2002 (Suppl. 1) SC 520 : In this recent judgement the Hon'ble Supreme Court has held that "Departmental proceeding and criminal proceeding can run simultaneously and departmental proceeding can also be initiated even after acquittal in a criminal proceeding particularly when the standard of proof in a criminal proceeding is completely different from the standard of proof that is required to prove the delinquency of a Government servant in a departmental proceeding, the former being one of proof beyond reasonable doubt, whereas the latter being one of preponderance of probability."

38. In the catena of judgments referred to before me supra by both the representatives, the majority of the decisions of the Hon'ble Supreme Court favours the view that the finding of the criminal court acquitting the accused is not necessarily binding upon the finding given in the departmental proceeding involving the same set of facts since the standard of proof required in both the proceedings are distinct to each other. The facts of the decisions referred to by the ld. representative for the workman are not squarely applicable to the facts of this case on hand and in the instant dispute, on the basis of the evidence adduced by the department, the charge against the workman stands proved. Accordingly, the contention raised on behalf of the workman is rejected and the submission made on behalf of the management is maintained and it is held that the judgment dated 10-3-2000 delivered by the criminal court acquitting the delinquent official of the offences based on the same set of facts has got no effect over the findings of the departmental proceedings arrived at against the delinquent.

39. I have considered the quantum of the punishment given to the delinquent by the order dated 29-10-98 of the disciplinary authority by which the workman has been dismissed from the service as the part-time messenger. It is proved on the basis of the evidence adduced in the enquiry that the delinquent had produced a forged certificate before the concerned authorities in order to gain the employment. Looking to the gravity of the misconduct levelled and proved against the delinquent, the punishment awarded to him cannot be said to be disproportionate.

40. For the reasons aforementioned, the reference is answered in favour of the management and against the workman and it is held that the order of the management of Jaipur Naguar Aanchalik Gramin Bank in terminating the service of the workman Sh. Ishwar Lal Sharma w.e.f. 29-8-98 is justified. An award is passed accordingly.

41. Let a copy of the award be sent to the Central Government for publication under Section 17 (1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2003

का. आ. 2120.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दी वैश्य बैंक लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट, हैदराबाद के पंचाट (संदर्भ संख्या आई.डी. नं. 85/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-7-2003 को प्राप्त हुआ था।

[सं. एल-12014/6/2003-आई.आर.(बी.-I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 4th July, 2003

S.O.2120.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. 85/2002) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vysya Bank Ltd. and their workman, which was received by the Central Government on 03-07-2003.

[No. L-12014/6/2003-IR (B.I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present:—Shri E. Ismail. B.Sc., LL.B.,
Presiding Officer

Dated the 31st day of May, 2003

INDUSTRIAL DISPUTE L.C.I.D. No. 85/2002

BETWEEN:

Sri Syed Afzal,

S/o Syed Lateef,

H. No. 13-8-10, Khasimdula Street,

Matwada, Warangal.

.....Petitioner

AND

1. The Regional Manager,
The Vysya Bank Limited,
H. No. 3-6-438/5/6, 5th Floor,
Nasipur, House, Himayathnagar,
Hyderabad.

2. The Branch Manager,
Vysya Bank Ltd., S.V.N. Road,
Rajula Complex, Papaiahpet Chaman,
Warangal.Respondents

Appearances:

For the Petitioner : M/s. Sathwath Rana & Mohd. Salahuddin, Advocates.

For the Respondent : Sri A.V.G. Kumar, Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as stated the claim Petition are: The Petitioner was appointed as attender on daily wage basis in the Respondent bank on 10-12-2000, orally. He sustained injury to his left index finger due to negligent act of the Assistant Manager while locking the strong room door on 21-12-2000. He was then and there rushed to the Hospital by the authorities and got treatment. For that injury he was operated and after declared fit he was taken on duty w.e.f. 6-8-2001. Later his services were terminated on 29-8-2001 orally without one month's notice or salary in lieu of the same, in view of the fact that the Petitioner has completed 240 days of service w.e.f. 10-12-2000 to 29-8-2001 in terms of Sec. 25B of the I.D. Act, 1947 as the period of sickness counts which becomes 265 days of service.

3. He was drawing a wage of Rs. 75 per day at the time of his termination. He served a legal notice by registered post acknowledgement due on the management on 21-9-2001 to reconsider it's decision of termination from service and to reinstate him. The management replied that it is not in a position to reconsider the same. Thus, the termination of the Petitioner w.e.f. 29-8-2001 is illegal, invalid and not sustainable in law. It is prayed to direct the Respondent to set aside the oral termination order on 29-8-2001 and to direct reinstatement of the Petitioner into service with continuity of service.

4. A counter was filed by the Respondent bank. That the Petitioner was appointed as attender on daily wages in the Respondents bank on 10-12-2000 is false. In fact at the request of the Petitioner dated 20-11-2000 the Respondent bank temporarily appointed him as attender on 20-11-2000 for a period of 30 days and required him to report at it is true to say that S.V.N. Road Branch, Warangal and accordingly he reported to duty on the same day. It is submitted by the Respondent that the Petitioner was informed on 19-12-2000 that at the close of office hours he would be relieved and accordingly he was relieved.

5. The allegation of the Petitioner that while on duty he got injured due to the negligence of the Assistant Manager while locking the strong room door on 21-12-2000 is false as he was relieved of his duties on 19-12-2000 and it is necessary to mention that on 21-12-2000 the bank

employees all over India were on a general strike and the business of the bank remained closed and strong room door was not opened. He was again appointed on 6-8-2001 as temporary sweeper and was relieved on 29-8-2001 and not terminated. He was paid wages Rs. 75 per day. It is the story concocted by the Petitioner that he was injured while on duty on 21-12-2000 to get the benefit of continuity of service. There is no question of violation of Sec. 25F and 25B of I.D. Act, 1947. The Respondent prays that this Court may be pleased to dismiss the case.

6. The Petitioner examined himself as WW1. He deposed that he was working as attender in Vysya Bank at Warangal. He was appointed on 10-12-2000. While performing his duties his left hand fore finger was cut while he was locking the locker in the presence of Manager and Assistant Manager. He was hospitalized and his finger was operated. First filing of his finger was cut off. He was called by the Manager on 6-8-2001 and he worked from 6-8-2001 to 29-8-2001. He was informed on 29-8-2001 not to come next day and he was not given any notice nor pay in lieu thereof.

7. In the cross examination he deposed that he studied upto X class. It is not true to suggest that he did not work from 10-12-2000 to 21-12-2000. It is not true to suggest that he did not work on 21-12-2000 nor suffered injury nor hospitalized. Ex. M1 was issued to him. He was paid for the period he worked. It is true that on 21-12-2000 the bank did not function due to general strike and bank shutters were opened and the officers were present. He accepts that Ex. M2 bears his signature. Ex. M3 is the appointment order and was not given to him. It is not true to suggest that he received Rs. 3489.20 ps and the receipt shown to him does not bear his signature.

8. Sri T. Jagadeeswar, Manager, The Vysya Bank Ltd., Kareemnagar deposed as MW1. He deposed that he worked as Branch Manager during the years middle of 1998 to middle of 2002. It is not true that the Petitioner was working on 10-12-2000 as it happens to be a Sunday and their branch is closed on every Sunday. Ex. M2 is the application of the Petitioner. Ex. M3 bears his signature. He deposed that they acceded to the request of the Petitioner and appointed him on 20-11-2000. He worked till 19-12-2000. Ex. M4 is the attendance sheet of the Petitioner for the relevant period. He was paid Rs. 3489.20 ps vide Ex. M5 receipt which bears signature of the Petitioner. All India Strikes of the bank employees on 15-11-2000 and 21-12-2000 xerox copy of the circular is Ex. M6. Ex. M7 is the attendance register extract from 18-12-2000 to 31-12-2000 which shows that on 21-12-2000 only officers attended work and none of the staff attended. The locker was not opened on 21-12-2000. The Petitioner is not entitled to any relief.

9. In the cross examination he deposed that it is not true to suggest that the appointment order Ex. M3 was not served on the Petitioner. It is not true to suggest that the attestation of the Petitioner was obtained on the office

order dated 19-12-2000 on 29-8-2001 when the payment of wages is for the period from 6-8-2001 to 29-8-2001. The voucher for the period from 6-8-2001 to 29-8-2001 was not filed in the Court. Ex. M5 is the voucher for the period 20-11-2000 to 19-12-2000. He cannot say how much is the daily wage during the period and also whether there is any increase in the daily wages during November, 2000 to August, 2001. He did not know about the injury of the Petitioner. It is not true to suggest that the wages paid to the Petitioner under Ex. M5 pertains to the period from 10-12-2000 to 21-12-2000 and it is also not true to suggest that he accompanied the Petitioner to the hospital under Ex. M1. It is not true to suggest that Ex. M4 is fabricated. It is true to suggest that no notice of termination was served on the Petitioner on 29-8-2001, on which date he was relieved because there is no such procedure as regards temporary and casual employees and for that reason the Petitioner is not entitled to one month's salary in lieu of notice. It is not true to suggest that to avoid payment of compensation to the Petitioner he is deposing falsely.

10. It is argued by the Learned Counsel for the Petitioner that the Petitioner was appointed orally on daily wages on 10-12-2000. He sustained injury to his left index finger due to negligent act of the Assistant Manager while locking the strong room door on 21-12-2000. He was then and there rushed to the hospital by the authorities and operated. He was again taken on duty on 6-8-2001. Therefore he completed 240 days of work including the period of sickness and as no notice was given nor pay in lieu thereof. He therefore prays that this court may be pleased to order his reinstatement with back wages by setting aside the oral termination of 29-8-2001. He further submits that the Petitioner examined himself as WW1 and deposed to the said facts mentioned in the petition. He submits that the MW1 Sri T. Jagadeeswar in the cross-examination admitted that again Petitioner was taken into service from 6-8-2001 to 29-8-2001. He admitted that the voucher for the period 6-8-2001 to 29-8-2001 was not filed. That Ex. M5 is the voucher for the payment of wages from 20-11-2000 to 19-12-2000. He deposed that Rs. 1800/- was paid as wages for the period from 6-8-2001 to 29-8-2001. He does not know about the injury of the Petitioner but he was paid for the period 20-11-2000 to 19-12-2000. That actually the Petitioner worked up to 21-12-2000 and it is shown as 19-12-2000 to deprive the Petitioner from the compensation. He therefore submits that in view of Ex. M1 of this case is built up by the bank to deprive compensation and the period of service when he was sick which also has to be counted as service and his ultimate dismissal would be on 29-8-2001 that is it will be more than 240 days and the Petitioner cannot be dismissed without following Sec. 25-F of the I.D. Act. He therefore, prays that the Petitioner be reinstated.

11. It is argued by the Learned Counsel for the Respondent that Ex. M1 which is said to be issued by Orthopaedic Surgeon does not bear any date, month or year.

It does not say how many months he was sick. Nor the said Doctor has been examined nor any reasons given for his non-examination. Ex. M2 is the application given by the Petitioner on 20th November, 2000 to provide him with a job. Ex.M3 is the appointment order. Duty report and dismissal order on 19-12-2000. Ex. M5 is the amount of Rs. 3489.20 ps. paid to the Petitioner. Ex.M6 is the resolution dated 30th January, 2001. Ex.M7 is the attendance register extract from 18-12-2000 to 31-12-2000 which shows that on 21-12-2000 none of the staff attended except officers. So he submits that the petition may be dismissed.

12. It is clear from the documents filed by the bank that he worked from 20-11-2000 till 19-12-2000. It is the case of the Petitioner that while working on 21-12-2000 when there was a strike that he suffered injury during the course of employment. Ex.M1 is the certificate filed by him which does not bear any date, month or year nor any one is examined to prove the genuineness or otherwise of Ex.M1. The Petitioner has examined himself as WW1. He himself says that he was advised bed rest for one month. Then did he go and report to the bank but he did say he so called on 6-8-2001 and allowed to work till 29-8-2001. He speaks about some notice being given to the bank in the claim statement but does not mark any notice. Said notice is also not marked. No doubt he must have suffered an injury but whether that injury required 8 months rest because according to the Petitioner himself he was advised one month rest. Then what is the proof that he approached the bank immediately after one month rest and asked them to give the job which has not been done in this case. If it was really true he would have approached the bank and ask them to provide a job otherwise issue notice. In the claim statement a mentioned is made of a notice being issued to the bank on 21-9-2001, which was not marked but is now being marked at the time of writing the Judgement for convenience sake. In which it is mentioned that he drew salary for December on 18-1-2001 then also did he ask? He did not ask. Unfortunately, this notice also was issued after the second termination in August, 2001. In fact the said notice has been replied which is also not marked is now being marked as Ex.W2 mentioned about the strike on 21-12-2000. So we see that what the Petitioner says may be true. Ex.W3 is one medical certificate which is same as that of Ex.M1. Ex.W4 is the injury certificate. Injury is quite serious and if it was really so perhaps he did not take steps to prove the same. So there is a shadow of doubt whether the same is true or not. The contention that there was none of the staff members are present as they were on strike, but usually a temporary appointee will be present. That is a fact of life. But however as the Petitioner has not been able to prove the same he cannot get the relief of reinstatement. However, the Respondent No. 2 is directed that in future if any casual or temporary peon is appointed the Petitioner shall be given preference over other juniors taking his initial date of appointment as 20-11-2000.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant, transcribed by her, corrected by me on this the 31st day of May, 2003.

E. ISMAIL, Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1: Sri Syed Afzal	MW1: Sri T. Jagadeeswar
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Documents marked for the Petitioner

Ex W1: Copy of legal notice dt. 21-9-2001

Ex W2: Copy of reply to Ex-W1 dt. 9-10-2001

Ex. W3: Copy of medical certificate from Vithal Orthopaedic Clinic

Ex W4: Copy of injury certificate from Satya Hospital

Documents marked for the Respondent

Ex M1: Copy of medical certificate of WW1

Ex. M2: Copy of request for temporary appointment made by WW1 dt. 20-11-2000

Ex M3: Appointment order dt. 20-11-2000

Ex M4: Copy of attendance sheet from 20-11-2000 to 19-12-2000

Ex M5: Copy of receipt of payment of Rs. 3489.20 ps. by WW1

Ex M6: Copy of circular No. 120/123/2001 dt. 30-I-2001

Ex. M7: Copy of attendance register extract from 18-12-2000 to 31-12-2000.

॥ नई दिल्ली, 4 जुलाई, 2003

का. आ. 2121.—कर्मचारी भविष्य निधि एवं प्रक्रीय उपबन्ध

अधिनियम, 1952 (1952 का 19) की धारा 16 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, यह मत होने के कारण कि सोसाइटी पंजीकरण अधिनियम, 1860 (1860 का 21) के अंतर्गत पंजीकृत कतिपय स्थापनाओं की परिस्थितियों के मद्देन-ज़र अथवा फिलहाल लागू किसी अन्य तदनुरूप नियम के अंतर्गत ऐसा करना जरूरी तथा समीची है, एतद्वारा निम्नलिखित त्रेणी के प्रतिष्ठानों को 1 अप्रैल, 1999 से 31 मार्च, 2005 तक की अवधि तक उक्त अधिनियम के प्रचालन से छूट प्रदान करती है,—

(क) जिनका वित्तपोषण पूर्णतः केन्द्र सरकार, अथवा किसी राज्य सरकार अथवा राज्य सरकारों अथवा आंशिक रूप से केन्द्रीय सरकार तथा आंशिक रूप से एक अथवा अधिक राज्य सरकारों से प्राप्त सहायता अनुदान से होता हो वशर्ते कि सहायता अनुदान में भविष्य निधि में नियोक्ताओं के अंशदान के संबंध में नियोक्ता की देयताओं को पूरा करने के प्रयोजन से कोई राशि शामिल न हो; अथवा

(ख) जो लोक धर्म अथवा दातव्य न्यासों अथवा अक्षयनिधियों (मठों, मन्दिरों, गुरुद्वारों, वक्फों, चर्चों, यहूदी सभाघरों, एजीरियों अथवा सार्वजनिक धार्मिक अन्य पूजा स्थलों)

अथवा सोसाइटियों अथवा धार्मिक न्यासों अथवा दातव्य अथवा अन्य सार्वजनिक प्रयोजनार्थ न्यासों द्वारा चलाए जाते हों और केन्द्र सरकार द्वारा आयकर अधिनियम, 1961 (1961 का 43) के अंतर्गत उपर्युक्त रूप में अधिसूचित किए गये हों :

बशर्ते कि ऐसी श्रेणी के प्रतिष्ठान कोई विश्वविद्यालय, कोई कॉलेज, कोई विद्यालय, कोई वैज्ञानिक संस्थान, कोई ऐसा संस्थान चलाते हों जिसमें छात्रों से कोई प्रभार अथवा शुल्क लेकर अनुसंधान, शिक्षा जानकारी अथवा प्रशिक्षण प्रदान किया जाता हो अथवा वे कोई अस्पताल, नर्सिंग होम अथवा क्लीनिक चलाते हों जिसमें रोगियों से कोई प्रभार अथवा शुल्क लेकर चिकित्सा उपचार या प्रक्रिया की जाती हो, तो ऐसे कार्यकलाप को प्रथम उल्लिखित अधिनियम के प्रचालन से छूट नहीं दी जाएगी:

बशर्ते कि सरकार जब कभी उचित समझे छूट को रद्द करने तथा/अथवा आशोधित करने का अधिकार सुरक्षित रखती है।

[फा. सं. एस-35014/3/02-एसएस-II]

संयुक्त राय, अवर सचिव

New Delhi, the 4th July, 2003

S.O. 2121.—In exercise of the powers conferred by Sub-section (2) of Section 16 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, being of opinion that having regard to the circumstances of certain establishments registered under the Societies Registration Act, 1860 (21 of 1860), or under any other corresponding law for the time being in force it is necessary and expedient so to do, hereby exempts the following class of establishments from the operation of the said Act for a period up to the 31st March, 2005 with effect from the 1st April, 1999,—

- (a) those being wholly financed by the grants-in-aid received from the Central Government, or any State Government or State Governments, or partly by the Central Government and partly by one or more State Governments subject to the condition that grants-in-aid does not include any amount for the purpose of meeting the liability of the employer towards the employers' contribution to the provident fund; or
- (b) those being run by public religious or charitable trusts or endowments (including maths, temples, gurudwaras, wakfs, churches, synagogues, agaries or other places of public religious worship) or societies and Trusts for religious or charitable or other public purposes and notified as such by the Central Government under the Income Tax Act, 1961 (43 of 1961);

Provided that if such class of establishments run any university, any college, any school, any scientific institution, any institution in which research, education, imparting knowledge or training is carried on against

charges or fees from the students, or run any hospital, nursing home or clinic in which any medical treatment or procedure is carried on against charges or fees from the patients, such activity shall not be exempted from the operation of the first mentioned Act :

Provided that the Government reserves the right to revoke and/or modify the exemption, as and when it is deemed fit.

[F. No. S-35014/3/02-SS-II]
SANJUKTA RAY, Under Secy.

नई दिल्ली, 4 जुलाई, 2003

का. आ. 2122.—केन्द्रीय सरकार एतद्वारा कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 16 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय लघु उद्योग विकास बैंक (सिडबी) को, अगले आदेश जारी होने तक, उपर्युक्त अधिनियम को प्रभाव में लाने से छूट प्रदान करती है।

[फा. सं. एस-35011/4/01-एसएस-II]

संयुक्त राय, अवर सचिव

New Delhi, the 4th July, 2003

S.O. 2122.—In exercise of the powers conferred by Sub-section (2) of Section 16 of the Employees Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, hereby excludes the Small Industries Development Bank of India from the operation of the above -mentioned Act, till further orders.

[F. No. S-35011/4/01-SS-II]
SANJUKTA RAY, Under Secy.

आदेश

नई दिल्ली, 8 जुलाई, 2003

का.आ. 2123.—जबकि केन्द्रीय सरकार का विचार है कि भारतीय खाद्य निगम के प्रबंधन (नियोक्ता) और उनके कर्मकारों के बीच औद्योगिक विवाद विद्यमान है ;

और जबकि भारत के माननीय सर्वोच्च न्यायालय ने रिट याचिका संख्या : 422/2000 में दिनांक 5-4-2002 को आपके आदेश में याचिकादाताओं के मामले को उपर्युक्त मंच पर उठाने के निर्देश दिये हैं;

और जबकि माननीय दिल्ली उच्च न्यायालय की रिट याचिका संख्या : 5956/2000 तथा 7449/2001, 7657/2000 तथा 7466/2001, 6252/2000, 7655/2000 तथा 11821/2000, 7665/2000, 6235/2000, 7659/2000 तथा 7463/2001, 6151/2000, 1700/2001, 937/2001, 5529/2000, 623/2001, 4274/2001, 6131/2001, 6246/2000 तथा 7468/2001 तथा 923/2001 का निपटारा करते हुए याचिकादाता/कर्मकार को रिट याचिका संख्या 422/2000 में सर्वोच्च न्यायालय द्वारा निर्धारित कानून के अनुसार न्यायनिर्णय हेतु राष्ट्रीय औद्योगिक अधिकरण में जाने की छूट प्रदान की है;

और जबकि विवाद राष्ट्रीय महत्व का है तथा इसकी प्रकृति भी ऐसी है कि एक से अधिक राज्य में स्थित भारतीय खाद्य निगम के प्रतिष्ठान इसमें इच्छुक अथवा इससे प्रभावित हो सकते हैं;

और जबकि केन्द्रीय सरकार का विचार है कि कथित विवादों का न्याय निर्णयन राष्ट्रीय अधिकरण द्वारा किया जाना चाहिए;

इसलिए, अब, केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा एक राष्ट्रीय औद्योगिक अधिकरण का गठन करती है जिसका मुख्यालय मुम्बई में होगा, तथा केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 1, मुम्बई के मौजूदा पीठासीन अधिकारी श्री एस. सी. पाण्डेय को इसके पीठासीन अधिकारी के रूप में नियुक्त करती है, तथा औद्योगिक विवाद अधिनियम की धारा 10 की उप-धारा (1-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा उक्त औद्योगिक विवाद को न्यायनिर्णयन हेतु उक्त राष्ट्रीय अधिकरण को भेजती है। उक्त राष्ट्रीय अधिकरण अपना पंचाट 6 माह के भीतर दे देगा।

अनुसूची

“क्या सीधे भुगतान प्रणाली, काम नहीं भुगतान नहीं प्रणाली तथा प्रबंधन समिति प्रणाली के अंतर्गत काम कर रहे कर्मकार देश भर में भारतीय खाद्य निगम के विभिन्न डिपुओं में विभागीय श्रमिकों के समान वेतन तथा अन्य लाभों के पात्र हैं ?

यदि हाँ, तो क्ये किन लाभों के पात्र हैं ?”

[सं० एल-22012/28/2002-आई आर (सी-II)]

स्व. सी. केरावन, डैस्क अधिकारी

अनुबंध

कर्मकार व्यवस्थाओं की सूची

4. मौ. हाशिम व अन्य, सुपुत्र अब्दुल करीम, भा. खा. निगम, खाद्य भंडारण डिपो, इमालिया, डाकखाना सहकारी नगर, जिला बुलन्दशहर (उत्तर प्रदेश)।
5. श्री राम शेखित व अन्य, सी डब्ल्यू सी डिपो, बामनहरी, मुजफ्फर नगर, डाकखाना रामपुर, जिला मुजफ्फर नगर।
6. श्री दिनेश कुमार व अन्य, सुपुत्र श्री प्रहलाद सिंह, भारतीय खाद्य निगम, खाद्य भंडारण डिपो, कुआरसी, डाकखाना कुआरसी, जिला कुआरसी, जिला अलीगढ़ (उत्तर प्रदेश)।
7. श्री किशन लाल सरदार व अन्य, सुपुत्र स्व. हुलासी राम, भारतीय खाद्य निगम, खाद्य भंडारण डिपो, सी बी गंज, बरेली, डाकखाना रायाम गंज, जिला बरेली, (उत्तर प्रदेश)।
8. श्री मुखलाल पाण्डेय व अन्य, सुपुत्र श्री बिकाऊ पाण्डेय, भारतीय खाद्य निगम, खाद्य भंडारण डिपो, कोसीकलौ, डाकखाना कोसीकलौ, जिला मथुरा (उत्तर प्रदेश)।
9. श्री फूलचन्द यादव व अन्य, सुपुत्र श्री खुनझून यादव, भारतीय खाद्य निगम, खाद्य भंडारण डिपो, फतेहपुर, डाकखाना धोकेली, जिला फतेहपुर, (उत्तर प्रदेश)।

10. श्री चौधरी सरकार व अन्य, भारतीय खाद्य निगम, खाद्य भंडारण डिपो, रायबरेली, डाकखाना भलिक माऊ, जिला रायबरेली, (उत्तर प्रदेश)।
11. श्री इब्राहिम व अन्य, सुपुत्र स्व. इस्माइल, भारतीय खाद्य निगम, खाद्य भंडारण डिपो, धमौरा, डाकखाना धमौरा, जिला रामपुर, (उत्तर प्रदेश)।
12. श्री नगेन्द्र ठाकुर व अन्य, सुपुत्र स्व. श्री रामचरित्र ठाकुर, भारतीय खाद्य निगम में कार्यरत, खाद्य भंडारण डिपो, गोसाई गांव, डाकखाना गोसाई गांव, जिला कोकराझार, असम, (पूर्वोत्तर सीमान्त क्षेत्र)।
13. श्री अब्दुल हक व अन्य, सुपुत्र स्व. अली बक्श, सी डब्ल्यू सी बाजपुर रोड में कार्यरत, भरतीय खाद्य निगम, पुरानी दिर्गा अनाज मंडी, काशीपुर जिला उधमसिंह नगर उत्तराञ्चल।
14. मौ. हनीफ व अन्य, सुपुत्र स्व. मंगता, सी डब्ल्यू सी देहरादून डिपो, डाकखाना माजरा, जिला देहरादून, उत्तराञ्चल।
15. श्री निरंजन पासवान व अन्य, सुपुत्र श्री सिर. गासवान, भारतीय खाद्य निगम, खाद्य भंडारण डिपो, इटरसी, अपर रोड, डाकखाना इटरसी जिला होशंगाबाद, (मध्य प्रदेश)।
16. श्री विसमिल्लाह अन्सारी व अन्य, सुपुत्र सनाउल्लाह अन्सारी, भारतीय खाद्य निगम, खाद्य भंडारण डिपो, घनौर, तहसील राजपुरा, जिला पटियाला (पंजाब)।
17. श्री सुरेन्द्र कुमार व अन्य, डी पी एस वर्कर बेवरा एवं शक्ति नगर, भारतीय खाद्य निगम, खाद्य भंडारण डिपो, दिल्ली क्षेत्र, भारतीय खाद्य निगम के जिला प्रबंधक के अधीन, शक्ति नगर, दिल्ली-7।
18. श्री आजन्दी पासवान व अन्य, सुपुत्र सूबे पासवान, भारतीय खाद्य निगम, खाद्य भंडारण डिपो, परतापुर, मेरठ, डाकखाना परतापुर, जिला मेरठ (उत्तर प्रदेश)।
19. श्री कश्मीर सिंह व अन्य, सुपुत्र श्री भांन सिंह, पट्टी गौदाम, ए आर डी सी में कार्यरत, अमृतसर (पंजाब), जिला-असल, नजदीक पट्टी, तहसील पट्टी, डाकखाना टकरपुरा, जिला अमृतसर (पंजाब)।

ORDER

New Delhi, the 8th July, 2003

S.O. 2123.—Whereas the Central Govt. is of the opinion that an industrial dispute exists between the employers in relation to the management of FCI and their workmen in respect to the schedule hereto annexed;

And whereas the Hon'ble Supreme Court of India in its order dated 5-4-2002 in W.P. No. 422/2000 has directed the petitioners to agitate the issue before appropriate forum;

And whereas the Hon'ble High Court of Delhi in W.P. Nos. 5956/2000 & 7449/2001, 7657/2000 & 7466/2001, 6252/2000, 7655/2000 & 11821/2000, 7665/2000, 6235/2000, 7659/2000 & 7463/2001, 6151/2000, 1700/2001, 937/2001, 5529/2000, 623/2001, 4274/2001, 6131/2001, 6246/2000 &

7468/2001 and 923/2001 disposed of the petitions granting liberty to the petitioner/workman to approach national industrial tribunal for adjudication in terms of law laid down by the Supreme Court in the W.P. No. 422/2000;

And whereas the dispute involves question of national importance and also is of such nature that the establishments of Food Corporation of India situated in more than one State are likely to be interested in, or affected;

And whereas the Central Government is of the opinion that the said disputes should be adjudicated by the National Tribunal;

Now, therefore, the Central Government, in exercise of the powers conferred by Section 7B of the I.D. Act, 1947 (14 of 1947), hereby constitutes a National Industrial Tribunal with the Head Quarters at Mumbai and appoint Shri S.C. Pandey, presently Presiding Officer, CGIT No. 1, Mumbai as its Presiding Officer, and in exercise of the powers conferred by Sub-Section (1 A) of Section 10 of the I.D. Act, hereby refers the said Industrial Dispute to the said National Tribunal for adjudication. The said National Tribunal shall give its award within a period of six months.

SCHEDULE

“Whether the workers working under Direct Payment System, no work no pay system and the management committee system are entitled for the same pay and other benefits as are available to the departmentalized labour in various depots of FCI throughout the country? If so, to what benefits they are entitled to?”

[No. L-22012/28/2002-JR(C-II)]
N.P. KESAVAN, Desk Officer

ANNEXURE

LIST OF WORKMEN REPRESENTATIVES

4. Mohd. Hashim & others, S/o Abdul Karim, FCI, Food Storage Depot, Imalia, Post Sahkari Nagar, Distt. Bulandshahar (UP).
5. Sh. Ram Shobhit & others, CWC Depot Bamanheri, Muzaffar Nagar, Post Rampur, Distt. Muzaffar Nagar.
6. Sh. Dinesh Kumar & others, S/o Sh. Prahlad Singh, Food Corporation of India, Food Storage Depot, Quarsi, P.O. : Quarsi, Distt. Quarsi, Distt. Aligarh (UP).
7. Sh. Kishan Lal Sardar & others, S/o Late Hulashi Ram, Food Corporation of India, Food Storage Depot, C.B. Ganj, Bareilly, Post Shyam Ganj, Distt. Bareilly, U.P.
8. Sh. Mukh Lal Pandey & others, S/o Sh. Bikau Pandey, FCI, Food Storage Depot, Kosi Kalan, Post Kosi Kalan, Distt. Mathura, U.P.
9. Sh. Fulchand Yadav & others, S/o Sh. Khunjhun Yadav, FCI, Food Storage Depot, Fatehpur, Post Dhokeli, Distt. Fatehpur, U.P.

10. Sh. Chaudhary Sarkar & others, Food Corporation of India, Food Storage Depot, Raibareilly, Post Malick Mou, Distt. Raibareilly (UP).
11. Sh. Ibrahim & others, S/o Late Ismail, FCI, FSD, Dhamoura, Post Office, Dhamoura, Distt. Rampur (UP)
12. Sh. Nagendra Thakur & others, S/o Late Sh. Ram Charitar Thakur, working at FCI, Food Storage Depot, Gosaigaon, P.O.: Gosaigaon, Distt. Kokrajhar, Assam (NEF Region)
13. Sh. Abdul Haque & others, S/o Late Ali Baksh, working at CWC Bajpur Road, FCI, Purani Dirga Anaj Mandi, Kashipur Distt. Udhampur Singh Nagar, Uttarakhand.
14. Mohd. Hanif & others, S/o Late Mangat, CWC Dehradun Depot, Post Majra, Distt. Dehradun Uttrakhand.
15. Sh. Niranjan Paswan & others, S/o Shri Siya Paswan, FCI, FSD, Itarsi, Jhujharpur Road, P. O.: Itarsi, Distt. Hoshangabad (MP).
16. Sh. Bismillah Ansari & others, S/o Sanullah Ansari, Food Corporation of India, Food Storage Depot, Ghannour, Tehsil Rajpura, Distt. Patiala (Punjab).
17. Sh. Surender Kumar & others, working at DPS Worker Ghevra & Shakti Nagar, FSD, Delhi Region under District Manager, Food Corporation of India, Shakti Nagar, Delhi – 110007.
18. Sh. Anandi Paswan & others, S/o Subey Paswan, FCI, Food Storage Depot, Partapur Meerut, Post Partapur, Distt. Meerut (UP).
19. Sh. Kashmir Singh & others, S/o Sh. Bhan Singh, working at Patti Godown ARDC, Amritsar (Punjab), Village Asal, Near Patti Tehsil Patti, Post Office Takarpura, Distt. Amritsar (Punjab).

नई दिल्ली, 8 जुलाई, 2003

का. आ. 2124.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा को० को० लि० के प्रबंधतंत्र के संबद्ध निवाजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I धनवाद के पंचात (संदर्भ संख्या 10/98) को प्रकाशित करती है, जो केन्द्रीय सरकार द्वारा 7-7-2003 को प्राप्त हुआ था।

[सं. एल-20012/78/97-आई.आर. (सी.-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th July, 2003

S.O.2124 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/98) of the Central Government Industrial Tribunal I, Dhanbad now as shown in the Annexure in the Industrial Dispute

between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-7-2003.

[No. L-20012/78/97-IR (C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U.S. 10(1)(d)(2A) of the
I.D. Act.

Reference No. 10 of 1998

PARTIES : Employers in relation to the management
of M/s. BCCL

AND

Their Workman.

PRESENT : Shri S. H. Kazmi,
Presiding Officer.

APPEARANCES :

For the Employers : None.
For the Workman : None.
State : Jharkhand. Industry : Coal.

Dated, the 19th June, 2003

AWARD

By Order No.L-20012/78/97-(Coal-I) dated 11-3-2003 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Bararee Colliery in denial to regularise Smt. Basani Turin as Chaprashi is legal and justified? If not, to what relief the concerned workman is entitled?"

2. It appears from the record that right from the inception none appeared at any stage on behalf of the workman and not even the written statement was ever filed and simply the adjournments were being granted at the instance of the Tribunal to enable the workman to appear and take necessary steps. For a long time when no significant developments could take place then even a registered notice was sent to the workman for the aforesaid purpose, but again that proved to be of no avail. The position as it exist still today is that this case is still pending for filing written statement by the workman. From such development it is evident that the workman concerned or the person at whose instance the present case has been referred to this Tribunal for adjudication has lost interest and does not want to pursue the same any further for the reason best known to him. In such event, it is absolutely needless to keep this case pending any further.

This reference, as such, stands finally disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 9 जुलाई, 2003

कांगड़ा 2125.—कर्मचारी भविष्य निधि तथा प्रकोण उपबंध अधिनियम, 1952 के पैराग्राफ 52 के उप-पैराग्राफ (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के श्रम मंत्रालय की दिनांक 11 जुलाई, 1998 की अधिसूचना संख्या कांगड़ा 1398 (भारत के राजपत्र में दिनांक 19-6-1998 को प्रकाशित) के अधिक्रमण में, केन्द्र सरकार एतद्वारा निदेश देती है कि निधि से संबंधित वृद्धिकारी आय की निम्नांकित पद्धति के अनुसार निवेश किया जाएगा, अर्थात्:—

निवेश पद्धति

निवेश की जानी वाली
प्रतिशत राशि

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| <p>(i) लोक श्रम अधिनियम, 1944 (1944 का 18) की धारा 2 में यथापरिभाषित केन्द्र सरकार की प्रतिभूतियां और/अथवा ऐसे मूल्यांकित फण्डों जिन्हें सरकारी प्रतिभूतियों में निवेश के लिए समर्पित निधियों के रूप में स्थापित किया गया है और जिन्हें भारतीय प्रतिभूति एवं विनियम बोर्ड द्वारा अनुमोदित किया गया है, की यूनिटें;</p> <p>(ii) (क) लोक श्रम अधिनियम, 1944 (1944 का 18) की धारा 2 में यथापरिभाषित किसी राज्य सरकार द्वारा सूजित और जारी सरकारी प्रतिभूतियां और/अथवा ऐसे मूल्यांकित फण्डों, जिन्हें सरकारी प्रतिभूतियों में निवेश के लिए समर्पित निधियों के रूप में स्थापित किया गया है और जिन्हें भारतीय प्रतिभूति एवं विनियम बोर्ड द्वारा अनुमोदित किया गया है, की यूनिटें और/अथवा</p> <p>(ख) अन्य कोई परक्रान्त प्रतिभूतियां; जिनकी मूल राशि और जिन पर ब्याज नीचे (iii) (क) के अधीन शामिल को छोड़कर केन्द्र सरकार अथवा किसी राज्य सरकार द्वारा किसी शर्त के बिना और पूर्णतः गारंटी शुद्ध है—</p> <p>(iii) (क) कम्पनी अधिनियम की धारा 4(1) के तीस प्रतिशत अधीन यथा निर्दिष्ट सरकारी वित्तीय संस्थाओं : सरकारी क्षेत्र के बैंकों सहित आयकर अधिनियम, 1961 की धारा 2(36-क) में यथा परिभाषित "सरकारी क्षेत्र की कम्पनियों" के बाण्ड/प्रतिभूतियां ; और/अथवा</p> <p>(ख) सरकारी क्षेत्र के बैंकों द्वारा जारी अल्प-कालिक (एक वर्ष से कम) सावधि जमा प्रमाण-पत्र।</p> <p>(iv) न्यासियों द्वारा जैसा निर्णय किया जाए उपरोक्त तीस प्रतिशत तीन श्रेणियों में से किसी एक में निवेश।</p> | <p>पच्चीस प्रतिशत</p> <p>पन्द्रह प्रतिशत</p> <p>तीस प्रतिशत</p> <p>तीस प्रतिशत</p> |
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- (v) न्यास, जोखिम-प्राप्ति सम्भावनाओं के उनके निर्धारण के अधीन ऊपर (iv) में से एक तिहाई तक निजी क्षेत्र बाण्ड/प्रतिभूतियों, जिनको कम से कम दो क्रेडिट रेटिंग एजेंसियों से निवेश ग्रेड रेटिंग प्राप्त है, में निवेश कर सकते हैं।
2. अनिवार्य व्यय को घटाकर पूर्व निवेशों की परिपक्वता पर प्राप्त कोई भी राशि इस अधिसूचना में निर्धारित निवेश पद्धति के अनुसार निवेश की जाएगी।
3. यदि किसी उल्लिखित लिखत की रेटिंग की जा रही हो और उसकी रेटिंग निवेश वर्ग से नीचे आ गई हो तथा उसकी रेटिंग की दो ऋण रेटिंग एजेंसियों द्वारा पुष्टि की जा चुकी हो, तो निकासी का विकल्प अपनाया जा सकता है।
4. उपरोक्त पैराग्राफों में यथा संकल्पित निवेश पद्धति वित्तीय वर्ष की समाप्ति तक अपनाई जा सकती है और यह तत्काल प्रमाण से लागू होगी।

[फा.संख्या जी-27031/3/99-एसएस-II]

डी. एस. पूनिया, संयुक्त सचिव

New Delhi, the 9th July, 2003

S.O. 2125.—In exercise of the powers conferred by Sub-paragraph (1) of Paragraph 52 of the Employees' Provident Fund Scheme, 1952 and in supersession of the Notification of the Government of India in the Ministry of Labour No. S.O. 1398 dated the 11 July, 1998 (dated 19-6-1998 published in the Gazette of India) the Central Government hereby directs that all incremental accretions belonging to the Fund shall be invested in accordance with the following pattern namely :—

INVESTMENT PATTERN

	Percentage amount to be invested
(i) Central Government Securities as defined in Section 2 of the Public Debt Act, 1944 (18 of 1944); and/or units of such Mutual Funds which have been set up as dedicated Funds for investment in Government securities and which have been approved by the Securities and Exchange Board of India.	25%
(ii) (a) Government Securities as defined in Section 2 of the Public Debt Act, 1944 (18 of 1944); created and issued by any State Government; and/or units of such Mutual Funds which have been set up as dedicated Funds for investment in Govt. Securities and which have been approved by the Securities and Exchange Board of India; and/or	15%

(b) Any other negotiable securities the principal whereof and interest whereon is fully and unconditionally guaranteed by the Central Govt. or any State Government except those covered under (iii) (a) below.

- (iii) (a) Bonds/Securities of 'Public Financial Institutions' as specified under Section 4(1) of the Companies Act, "public sector companies" as defined in Section 2(36-A) of the Income Tax Act, 1961 including public sector banks; and/or
- (b) Short duration (less than a year) Term Deposit Receipt (TDR) issued by public sector banks. 30%
- (iv) to be invested in any of the above three categories as decided by their Trustees. 30%
- (v) The Trust, subject to their assessment of risk-return prospects, may invest upto 1/3rd of (iv) above, in private sector bonds/securities, which have an investment grade rating from at least two credit rating agencies.

2. Any money received on the maturity of earlier investments reduced by obligatory outgoing shall be invested in accordance with the investment pattern prescribed in this Notification.

3. In case of any instruments mentioned above being rated and their rating falling below investment grade and the same rating has been confirmed by two credit rating agencies then the option of exit can be exercised.

4. The investment pattern as envisaged in the above paragraphs may be achieved by the end of a financial year, and shall come into force with immediate effect.

[F. No.G-27031/3/99-SS-II]

D. S. POONIA, Lt. Secy.

इस दिल्ली, 9 जुलाई, 2003

का०आ० 2126.—कर्मचारी भविष्य निधि तथा प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 17 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के श्रम मंत्रालय की दिनांक 25 जुलाई, 1998 की संख्या का०आ. 1487 की अधिसूचना (भारत के राजपत्र में दिनांक 07 जुलाई, 1998 को प्रकाशित) के अधिक्रमण में केन्द्र सरकार एतद्वारा निदेश देती है कि उक्त अधिनियम की धारा 17 की उप-धारा (i) के खंड (क) या खंड (ख) के तहत छूट प्राप्त प्रतिष्ठान के संबंध में या कर्मचारी भविष्य निधि योजना, 1952 के पैराग्राफ 27 या 27क (जैसा भी मामला हो) के तहत छूट प्राप्त किसी कर्मचारी या कर्मचारी श्रेणी के संबंध में प्रतिष्ठान या (जैसा भी मामला हो) कर्मचारी या कर्मचारी श्रेणी के संबंध में

मासिक भविष्य निधि अंशदान उस प्रतिष्ठान के संबंध में विधिवत गठित न्यासी बोर्ड को माह की समाप्ति के 15 दिनों के भीतर हस्तांतरित करेगा और उक्त न्यासी बोर्ड प्रतिष्ठान या (जैसा भी मामला हो) कर्मचारी या कर्मचारी श्रेणी के संबंध में कर्मचारी से उक्त अंशदानों, भविष्य निधि जमाओं या यों कहें कि अंशदानों, ब्याज तथा किसी अनिवार्य व्यय को घटाकर अन्य प्राप्तियों का प्रति माह प्राप्ति तिथि से दो सप्ताह की अवधि के भीतर निम्न पद्धति के अनुसार निवेश करेगा, अर्थात् :—

निवेश पद्धति

निवेश की जानी वाली
प्रतिशत राशि

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| <p>(i) लोक ऋण अधिनियम, 1944 (1944 का 18) की धारा 2 में यथा परिभाषित केन्द्र सरकार की प्रतिभूतियां; और/अथवा ऐसे म्यूचुअल फण्डों; जिन्हें सरकारी प्रतिभूतियों में निवेश के लिए समर्पित निधियों के रूप में स्थापित किया गया है और जिन्हें भारतीय प्रतिभूति एवं विनियम बोर्ड द्वारा अनुमोदित किया गया है, की यूनिटें;</p> <p>(ii) (क) लोक ऋण अधिनियम, 1944 (1944 का 18) की धारा 2 में यथा परिभाषित किसी राज्य सरकार द्वारा सृजित और जारी सरकारी प्रतिभूतियां; और/अथवा ऐसे म्यूचुअल फण्डों, जिन्हें सरकारी प्रतिभूतियों में निवेश के लिए समर्पित निधियों के रूप में स्थापित किया गया है और जिन्हें भारतीय प्रतिभूति एवं विनियम बोर्ड द्वारा अनुमोदित किया गया है, की यूनिटें; और/अथवा</p> <p>(ख) अन्य कोई परक्रान्त प्रतिभूतियां; जिनकी मूल राशि और जिन पर ब्याज नीचे iii (क) के अधीन शामिल को छोड़कर केन्द्र सरकार अथवा किसी राज्य सरकार द्वारा किसी शर्त के बिना और पूर्णतः गारंटी शुदा है</p> <p>(iii) (क) कम्पनी अधिनियम की धारा 4(1) के अधीन यथा-निर्दिष्ट सरकारी वित्तीय संस्थाओं; सरकारी क्षेत्र के बैंकों सहित आयकर अधिनियम, 1961 की धारा 2(36-क) में यथा परिभाषित “सरकारी क्षेत्र की कम्पनियों” के बाण्ड/प्रतिभूतियां; और/अथवा</p> <p>(ख) सरकारी क्षेत्र के बैंकों द्वारा जारी अन्त्यकालिक (एक वर्ष से कम) सावधि जमा प्रमाण पत्र।</p> <p>(iv) न्यासियों द्वारा जैसा निर्णय किया जाए उपरोक्त तीन श्रेणियों में से किसी एक में निवेश।</p> | <p>पच्चीस प्रतिशत</p> <p>पन्द्रह प्रतिशत</p> <p>तीस प्रतिशत</p> <p>तीस प्रतिशत</p> |
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(v) न्यास, जोखिम-प्राप्ति सम्भावनाओं के उनके निर्धारण के अधीन ऊपर (iv) में से एक तिहाई तक निजी क्षेत्र बाण्ड/प्रतिभूतियों, जिनको कम से कम दो क्रेडिट रेटिंग एजेंसियों से निवेश ग्रेड रेटिंग प्राप्त है, में निवेश कर सकते हैं।

2. अनिवार्य व्यय को घटाकर पूर्व निवेशों की परिपक्वता पर प्राप्त कोई भी राशि इस अधिसूचना में निर्धारित निवेश पद्धति के अनुसार निवेश की जाएगी।

3. यदि किसी उल्लिखित लिखत की रेटिंग की जा रही हो और उसकी रेटिंग निवेश वर्ग से नीचे आ गई हो तथा उसकी रेटिंग की दो ऋण रेटिंग एजेंसियों द्वारा पुष्टि की जा चुकी हो, तो निकासी का विकल्प अपनाया जा सकता है।

4. उपरोक्त पैराग्राफों में यथा-संकल्पित निवेश पद्धति वित्तीय वर्ष की समाप्ति तक अपनाई जा सकती है और यह तत्काल प्रभाव से लागू होगी।

[फा. संख्या जी-27031/3/99-एसएस-II]

डी. एस. पूनिया, संयुक्त सचिव

New Delhi, the 9th July, 2003

S.O. 2126.—In exercise of the powers conferred by clause (a) of Sub-section (3) of Section 17 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952) and in supersession of the Notification of the Government of India, Ministry of Labour No. S.O. 1487 dated the 25th July, 1998 (7th July 1998 published in the Gazette of India) the Central Government hereby directs that every employer in relation to an establishment exempted under Clause (a) of Clause (b) of Sub-section (i) of Section 17 of the said Act or in relation to any employee or class of employees exempted under paragraph 27, or as the case may be, paragraph 27A of the Employees' Provident Funds Scheme, 1952 shall transfer the monthly provident fund contribution in respect of the establishment or, as the case may be of the employee or class of employees within fifteen days of the close of the month to the Board of Trustees duly constituted in respect of that establishment and that the said Board of Trustees shall invest every month within a period of two weeks from the date of receipt of the said contributions from the employee, the provident fund accumulations in respect of the establishment or as the case may be, of the employee, or class of employees that is to say, the contributions, interest and other receipt as reduced by any obligatory outgoings in accordance with the following pattern, namely :—

INVESTMENT PATTERN

Percentage amount
to be invested

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| <p>(i) Central Government Securities as defined in Section 2 of the Public Debt Act, 1944 (18 of 1944);</p> | <p>25%</p> |
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and/or units of such Mutual Funds which have been set up as dedicated Funds for investment in Government securities and which have been approved by the Securities and Exchange Board of India.	
(ii) (a) Government Securities as defined in Section 2 of the Public Debt Act, 1944 (18 of 1944); created and issued by any State Government; and/or units of such Mutual Funds which have been set up as dedicated Funds for investment in Govt. securities and which have been approved by the Securities and Exchange Board of India; and/or	15%
(b) Any other negotiable securities the principal whereof and interest whereon is fully and unconditionally guaranteed by the Central Govt. or any State Government except those covered under (iii) (a) below.	
(iii) (a) Bonds/Securities of 'Public Financial Institutions' as specified under Section 4(1) of the Companies Act, "public sector companies" as defined in Section 2(36-A) of the Income Tax Act, 1961 including public sector banks; and/or	
(b) Short duration (less than a year) Term Deposit Receipt (TDR) issued by public sector banks.	30%
(iv) to be invested in any of the above three categories as decided by their Trustees.	30%
(v) The Trust, subject to their assessment of risk-return prospects, may invest upto 1/3rd of (iv) above, in private sector bonds/securities, which have an investment grade rating from at least two credit rating agencies	
2. Any money received on the maturity of earlier investments reduced by obligatory outgoing shall be invested in accordance with the investment pattern prescribed in this Notification.	
3. In case of any instruments mentioned above being rated and their rating falling below investment grade and the same rating has been confirmed by two credit rating agencies then the option of exit can be exercised.	
4. The investment pattern as envisaged in the above paragraphs may be achieved by the end of a financial year, and shall come into force with immediate effect.	

[F. No. G-27031/3/99-SS-II]
D. S. POONIA, Jt. Secy.

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नई दिल्ली, 9 जुलाई, 2003

का. आ. 2127.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 65 दिनांक 20-12-2002 द्वारा खनिज तेल (कच्चा तेल), मोटर और विमानन स्प्रिट, डीजल तेल, मिट्टी का तेल, ईंधन तेल, विविध हाइड्रोकार्बन तेल और उनके मिश्रण जिनमें सिंथेटिक तेल और इसी प्रकार के तेल शामिल हैं के निर्माण या उत्पादन में लगे उद्योग में सेवाओं में हैं, जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 26 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 16-1-2003 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 16-7-2003 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/6/97-आई.आर. (पी.एल.)]
जे.पी. पति, संयुक्त सचिव

New Delhi, the 9th July, 2003

S.O. 2127.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of Sub-clause (vi) of the clause (n) of Section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O.No. 65 dated 20-12-2002 the services in the industry engaged in manufacture or production of Mineral oil (crude oil) motor and aviation spirit, diesel oil, Kerosene oil, fuel oil, diverse hydrocarbon oil and their blends including Synthetic fuel, Lubricating oil and like which is covered by item 26 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 16th January, 2003;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to Sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 16th July, 2003.

[F. No. S-11017/6/97-IR (PL)]
J. P. PATI, Jt. Secy.